

Domestic Family Legislation Implementing and Affected by EU Instruments

Report by the Brexit Working Party to the Resolution International Committee and Property, Tax and Pensions Committee



This report identifies the provisions of domestic family legislation which have been brought in to implement EU instruments.

The relevant provisions of domestic legislation are summarised in the table at pages 2 to 54 of the report.

Pages 55 to 206 set out the relevant parts of domestic law in full, with the provisions affected by EU law highlighted red.

Methodology

The following methodology has been used to identify relevant law.

1. Statutory instruments made under the authority of the European Communities Act 1972
 - a. Review the list of SIs made under the authority of the European Communities Act 1972 (as listed on Westlaw) to identify those which relate to family law
 - b. Review the SIs identified from the review at 1.a to identify the primary legislation which was amended to implement EU law, or those SIs which brought in standalone provisions
2. Statutory instruments made under the authority of an Act other than the European Communities Act 1972 to implement EU law
 - a. Cross-check the statutory instruments listed in the Red Book index (and which are therefore assumed to relate to family law) with the statutory instruments listed in the House of Commons Briefing Paper "Legislating for Brexit: Statutory Instruments implementing EU law" (list of SIs collated at 9 December 2016) to identify the SIs which appear on both lists, and which were made under the authority of Acts other than the European Communities Act 1972.
 - b. Review the SIs identified from the review at 2.a to identify the primary legislation which was amended to implement EU law, or those SIs which brought in standalone provisions
3. Primary legislation brought in directly to implement EU law
 - a. Review the sections of primary legislation listed in the Red Book index (and which is therefore assumed to relate to family law) to identify provisions which implement EU law, in order to identify primary legislation brought in directly, for example to implement an EU Directive

Caveats

A. Primary sources Westlaw or Lexis Nexis have been used as the sources of legislation

B. Where the Red Book index of primary legislation or statutory instruments has been used, only those sections and schedules listed in the index have been checked / legislation citing tool in Westlaw

C. The Civil Procedure Rules 1998 and the SIs considered in the second stage above have been checked by word searches rather than a review of all provisions listed in the Red Book index. The following words have been searched:

CPR 1998 word searches	SIs (stage 2)
EU	EU
Community	Community
Directive	Directive
Member	Member
EEA	EEA
Council	Council
Regulation	Regulation
Brussels	Brussels
Convention	Convention
	EC
	EU Directive

D. The scope is limited to legislation in England and Wales. Scottish and Northern Irish provisions have not been covered.

E. The report focuses on EU law. Provisions of domestic legislation relating to International Conventions, such as the Hague Conventions or Conventions of the European Council, have been highlighted in some cases (and comprehensively in the Family Procedure Rules 2010) but this report does not comprehensively identify convention provisions, such as those relating to child abduction or child adoption.

F. The Briefing Paper used to identify SIs made under the authority of an Act other than the European Communities Act 1972 to implement EU law (stage 2) collated SIs at 9 December 2016.

G. The scope of the sections on the Family Procedure Rules 2010 and the Civil Procedure Rules 1998 is limited to the rules and does not include EU law relevant sections of the Practice Directions

H. The Human Fertilisation and Embryology Act 1990 implements several Directives. However, only express references to EU law are highlighted in this Act on the assumption that dealing with Directives already implemented into domestic law is not a political priority. In the event that there is a review of this areas of law, the Directives and the relevant Acts should be considered as a whole: namely:

Acts: Congenital Disabilities (Civil Liability) Act 1976; HFEA 1990, Human Fertilisation and Embryology (Disclosure of Information) Act 1992; Criminal Justice and Public Order Act 1994; Human Fertilisation and Embryology (Deceased Fathers) Act 2003, Human Tissue Act 2004; HFEA 2008; Health Act 2009; Marriage (Same Sex Couples) Act 2013

Directives: Council Directive 2004/23/EC; Council Directive 2006/17/EC; Council Directive 2006/86/EC; Commission Directive 2012/39; Commission Directive 2015/566;

SIs: Human Fertilisation and Embryology Act 1990 (Commencement No 1) Order 1990 **1990/2165**; Human Fertilisation and Embryology Act 1990 (Commencement No 2 and Transitional Provision) Order 1991 **1991/480**; Human Fertilisation and Embryology Act 1990 (Commencement No 3 and Transitional Provisions) Order 1991 **1991/1400**; Human Fertilisation and Embryology Act 1990 (Commencement No 4—Amendment of Transitional Provisions) Order 1991 **1991/1781**; Parental Orders (Human Fertilisation and Embryology) Regulations 1994 **1994/2767**; Human Fertilisation and Embryology (Research Purposes) Regulations 2001, **2001/188**; Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (Commencement) Order 2003 **2003/3095**; Human Fertilisation and Embryology Authority (Disclosure of Donor Information) Regulations 2004 **2004/1511**; Adoption and Children Act 2002 (Commencement No 9) Order 2005 **2005/2213**; Human Fertilisation and Embryology (Quality and Safety) Regulations 2007 **2007/1522**; Human Fertilisation and Embryology Act 2008 (Commencement No 1 and Transitional Provisions) Order 2009 **2009/479**; Human Fertilisation and Embryology (Procedure for Revocation, Variation or Refusal of Licences) Regulations 2009, **2009/1397**; Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) Regulations 2009 **2009/1582**; Human Fertilisation and Embryology (Appeals) Regulations 2009 **2009/1891**; Human Fertilisation and Embryology (Consequential Amendments and Transitional and Saving Provisions) Order 2009 **2009/1892**; Human Fertilisation and Embryology (Special Exemption) Regulations 2009 **2009/1918**; Human Fertilisation and Embryology (Procedure for Revocation, Variation or Refusal of Licences) (Amendment) Regulations 2009 **2009/2088**; Human Fertilisation and Embryology Act 2008 (Commencement No 2 and Transitional Provision) and (Commencement No 1 Amendment) Order 2009 **2009/2232**; Human Fertilisation and Embryology (Supplementary Provision) Order 2009, **2009/2478**; Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) (Amendment) Regulations 2009 **2009/2581**; Human Fertilisation and Embryology (Procedure on Applications and Execution of Warrants) Regulations 2010 **2010/726**; Human Fertilisation and Embryology (Parental Orders) Regulations 2010 **2010/985**; Human Fertilisation and Embryology (Parental Orders) (Consequential, Transitional and Saving Provisions) Order 2010 **2010/986**; Human Fertilisation and Embryology Act 2008 (Commencement No 3) Order 2010 **2010/987**; Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010 **2010/995**; Marriage (Same Sex Couples) Act 2013 (Commencement No 2 and Transitional Provision) Order 2014, **2014/93**; Human Fertilisation and Embryology (Quality and Safety) Regulations 2014 **2014/2884**; Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015 **2015/572**; Human Fertilisation and Embryology (Amendment) Regulations 2018 **2018/334**. Note: the Human Fertilisation and Embryology Act 2008 has been searched against both sets of search terms at C above and no express references to EU law were found.

Brexit Working Party

Chair, Pauline Fowler (Hughes Fowler Carruthers)
Amy Scollan (Hunters)
Hannah McCrindle (Expatriate Law)
James Riby (Charles Russell Speechlys)
Laura Moys (1 King's Bench Walk)
Lauren Deane (Hughes Fowler Carruthers)
Max Turnell (1 King's Bench Walk)
Olivia Piercy (Bindmans)
Stacey Nevin (Kingsley Napley)
Stephen Jarman (1 King's Bench Walk)

Table of Domestic Family Legislation Implementing and Affected by EU Instruments

	Domestic legislation	Provision	Amending Statutory Instrument	Amended Provision Text	Comment/Analysis
A	Primary legislation				
1	Administration of Justice Act 1970				
		s. 28	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 3	In section 28 (other provisions for the interpretation of Part 2), in subsection (1), in the definition of "maintenance order"— (a) after "any order" insert "decision, settlement or instrument"; (b) for "such an order" substitute "one"; (c) after "discharged" insert "or has otherwise ceased to operate".	Maintenance / Enforcement
		s. 28(1)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 2(1) and 2(2)	In section 28(1), in the definition of "maintenance order", after "settlement" insert ", arrangement".	Maintenance / Enforcement
		Sch 8, para 13A	Civil Jurisdiction and Judgments Order 2001/3929, Sch 3, para 8	In Schedule 8 to the Administration of Justice Act 1970 (which lists maintenance orders for the purposes of Part II of that Act), after paragraph 13 insert— "13A. A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which is registered in a magistrates' court under that Regulation".	Maintenance / Enforcement
		Sch 8, para 13A	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, s. 6(1) & 6(2)	In paragraph 13A, after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)".	Maintenance / Enforcement
		Sch 8, para 13B	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 3	In Schedule 8 (which lists maintenance orders for the purposes of the Maintenance Orders Act 1958 and Part 2 of the Administration of Justice Act 1970), after paragraph 13A insert— "13B.— (1) A decision, court settlement or authentic instrument which fails to be enforced by a magistrates' court by virtue of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011. (2) In this paragraph— "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;	Maintenance / Enforcement
		Sch 8, para 13 C [Not yet in force - date to be appointed]	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 2(1) and 2(3)	2.— Administration of Justice Act 1970 (c.31) (1) The Administration of Justice Act 1970 is amended as follows. ... (3) In Schedule 8 (which lists maintenance orders for the purposes of the Maintenance Orders Act 1958 and Part 2 of the Administration of Justice Act 1970), after paragraph 13B 2 insert— "13C. A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007..".	Maintenance / Enforcement
2	Anti-Social Behaviour, Crime and Policing Act 2014				
		Sch 6A, paras 4 to 9	Directly implements the E-Commerce Directive	See Tab	E-commerce, in the context of anonymity of victims of forced marriages
3	Attachment of Earnings Act 1971				
		s.2	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 4	In section 2 (principal definitions), in the definition of "maintenance order"— (a) after "any order" insert "decision, settlement or instrument"; (b) for "such an order" substitute "one"; (c) after "discharged" insert "or has otherwise ceased to operate".	Maintenance / Enforcement
		s.2(1)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 3(2)	In section 2(1), in the definition of "maintenance order", after "settlement" insert ", arrangement".	Maintenance / Enforcement
		s.3(1)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 3(3)	In section 3(1), after paragraph (c) insert— "(ca) without prejudice to paragraphs (a) and (c) above, an officer of the family court if the application is to the family court to secure payments under a maintenance order described in paragraphs 13, 14, 14A or 14B of Schedule 1 and those payments are to be made to the court;".	Maintenance / Enforcement
		Sch 1, para 14	Civil Jurisdiction and Judgments Order 2001/3929, Sch 3, para 9	In Schedule 1 to the Attachment of Earnings Act 1971 (which lists maintenance orders to which that Act applies) after paragraph 13 insert— "14. A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which is registered in a magistrates' court under that Regulation".	Maintenance / Enforcement
		Sch 1, para 14	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, s. 7(1) & 7(2)	In paragraph 14, after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)".	Maintenance / Recognition and enforcement
		Sch 1, para 14A	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 4	In Schedule 1 (which lists maintenance orders to which that Act applies) after paragraph 14 insert— "14A.— (1) A decision, court settlement or authentic instrument which fails to be enforced by a magistrates' court by virtue of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011. (2) In this paragraph— "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark; "decision", "court settlement" and "authentic instrument" have the meanings given by Article 2 of that Regulation..".	Maintenance / Recognition and enforcement
		Sch 1, para 14B	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 3(4)	In Schedule 1 (which lists maintenance orders to which that Act applies) after paragraph 14A insert— "14B. A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007..".	Maintenance / Recognition and enforcement
4	Child Abduction and Custody Act 1985				
		s.1(3)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 6	Insert "(3) But— (a) those provisions of the Convention, (b) this Part of this Act, and (c) rules of court under section 10 of this Act, are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the Hague Convention, in so far as it concerns matters governed by the Regulation)."	Conflict of Convention vs EU Regulation
		s.1(4)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 6	Insert "(4) "The Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility."	Conflict of Convention vs EU Regulation
		s.9	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(3)	After paragraph (b) insert— "(ba) registering or enforcing a decision under the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 ("the 1996 Convention"), except where provisions of the 1996 Convention are invoked in accordance with Article 50 of the 1996 Convention;".	Hague
		s.12(3)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 7	Substitute: "(3) But— (a) those provisions of the Convention, (b) this Part of this Act, and (c) rules of court under section 24 of this Act, are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the European Convention, in so far as it concerns matters governed by the Regulation)."	Conflict of Convention vs EU Regulation
		s.12(4)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 7	Insert: "(4) "The Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility."	Conflict of Convention vs EU Regulation
5	Child Support Act 1991				
		s.44	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 13	In section 44 of the Child Support Act 1991, after subsection (3) insert— "(4) The Commission does not have jurisdiction under this section if the exercise of jurisdiction would be contrary to the jurisdictional requirements of the Maintenance Regulation. (5) In subsection (4) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark..".	Maintenance / Jurisdiction
6	Children Act 1989				
		s.45	Children and Young Persons Act 2008, s.30	In section 45 of the 1989 Act (emergency protection orders: supplementary provisions) omit subsection (9). [Subsection 9 previously provided that no application for the discharge of an emergency protection order shall be heard by the court before the expiry of the period of 72 hours beginning with the making of the order. It was removed following a judgment of the Northern Ireland High Court regarding an identically worded provision, which found that it was contrary to Articles 6(1) and 8 of the ECHR]	ECHR
		Sch 1, para 10	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 12	Schedule 1 to the Children Act 1989 is amended as follows. In paragraph 10— (a) in sub-paragraph (2), for "Where" substitute "Subject to sub-paragraph (2A), where"; (b) after that sub-paragraph insert— "(2A) If an application or part of an application relates to a matter where jurisdiction fails to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011— (a) the requirement as to domicile or residence in sub-paragraph (2) does not apply to the application or that part of it, but (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule. (2B) In sub-paragraph (2A), "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark." [Insertion in Sch 1 of new subsections to paragraph 10, (2A) and (2B) and new paragraph 14, to disapply domicile or residence requirements where the Maintenance Regulation applies and to restrict jurisdiction to only those cases where the court would have jurisdiction under the Maintenance Regulation. Also definition of the term "Maintenance Regulation".]	Maintenance / Jurisdiction
		Sch 1, para 14	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 3	In Schedule 1 to the Children Act 1989, for the italic heading before paragraph 14 1, substitute— "Jurisdiction in relation to matters relating to maintenance"	Maintenance / Jurisdiction

		Sch 1, para 14	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 12	For paragraph 14 substitute—“n14.—(1) If an application under paragraph 1 or 2, or part of such an application, relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule. (2) In sub-paragraph (1), “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.” [Insertion in Sch 1 of new subsections to paragraph 10, (2A) and (2B) and new paragraph 14, to disapply domicile or residence requirements where the Maintenance Regulation applies and to restrict jurisdiction to only those cases where the court would have jurisdiction under the Maintenance Regulation. Also definition of the term “Maintenance Regulation”.]	Maintenance / Jurisdiction
7	Civil Jurisdiction and Judgments Act 1982				
		s.1	All of section 1 is relevant		Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1989/1346, Art. 3	The following shall be inserted before the final item in section 1(1) of the Act:—“the 1982 Accession Convention” means the Convention on the accession of the Hellenic Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on 25th October 1982.”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 3	The following shall be inserted before the final item in section 1(1) of the Act:—“the 1989 Accession Convention” means the Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia—San Sebastián on 26th May 1989.”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 4	The following shall be substituted for the final item in section 1(1) of the Act—“the Conventions” means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention.”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1991, s.2(2)	(2) In subsection (1), in the definition of “the Conventions”, for the words “the Conventions” there shall be substituted the words “the Brussels Conventions”.	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1991, s.2(3)	(3) At the end of that subsection there shall be added—“the Lugano Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocols annexed to that Convention) opened for signature at Lugano on 16th September 1988 and signed by the United Kingdom on 18th September 1989.”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824, Part 1, Art. 3(a)	In section 1(1)—(a) after the definition of the 1989 Accession Convention insert—“the 1996 Accession Convention” means the Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention, signed at Brussels on 29th November 1996.”; ...	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824, Part 1, Art. 3(b)	In section 1(1)—(b) in the definition of the Brussels Conventions for “and the 1989 Accession Convention”, substitute, “the 1989 Accession Convention and the 1996 Accession Convention”.	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Regulations 2007/1665, Reg. 2(2)	In section 1(1), for the definition of “the Regulation” substitute —“the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005, p62; OJ No L 79, 21.3.2013, p4)”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 3(2)	In subsection (1) substitute for the definition of “the Lugano Convention”—“the Lugano Convention” means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.”.	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 4(2)	In subsection (1) after the definition of “the Lugano Convention” insert—“the Maintenance Regulation means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.	Jurisdiction / Recognition and Enforcement
		s.1(1)	International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012/1770, Reg. 4(a)	In section 1 (interpretation of references to the Conventions and Contracting States)—(a) in subsection (1) after the definition of “the 1989 Accession Convention” insert—“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 23 November 2007.”; ...	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 2, Sch 1, para. 2	In subsection (1) for the definition of “the Regulation” substitute the following definition - “the Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L 79, 21.3.2013, p4)”	Jurisdiction / Recognition and Enforcement
		s.1(1)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 3(2)	In subsection (1), at the appropriate place insert “the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.”.	Jurisdiction / Recognition and Enforcement
		s.1(2)(a)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 5	The following shall be substituted for section 1(2)(a) of the Act—“(a) references to, or to any provision of, the 1968 Convention or the 1971 Protocol are references to that Convention, Protocol or provision as amended by the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention; and”	Jurisdiction / Recognition and Enforcement
		s.1(2)(a)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824, Part 1, Art. 4	In section 1(2)(a) for “and the 1989 Accession Convention” substitute “the 1989 Accession Convention and the 1996 Accession Convention”.	Jurisdiction / Recognition and Enforcement
		s.1(2)(aa)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 3(3)	Subsection 2(aa) is omitted	Jurisdiction / Recognition and Enforcement
		s.1(2)(b)	Civil Jurisdiction and Judgments Act 1991, s.2(4)	In subsection (2), for paragraph (b) (citation of Articles) there shall be substituted—“(b) any reference in any provision to a numbered Article without more is a reference— (i) to the Article so numbered of the 1968 Convention, in so far as the provision applies in relation to that Convention, and (ii) to the Article so numbered of the Lugano Convention, in so far as the provision applies in relation to that Convention, and any reference to a sub-division of a numbered Article shall be construed accordingly.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 6	(3) In this Act “Contracting State” means – (a) one of the original parties to the 1968 Convention (Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and The Netherlands); or (b) one of the parties acceding to that Convention under the Accession Convention (Denmark, the Republic of Ireland and the United Kingdom), or under the 1982 Accession Convention (the Hellenic Republic), or under the 1989 Accession Convention (Spain and Portugal), being a state in respect of which the Accession Convention has entered into force in accordance with Article 39 of that Convention, or being a state in respect of which the 1982 Accession Convention has entered into force in accordance with Article 15 of that Convention, or being a state in respect of which the 1989 Accession Convention has entered into force in accordance with Article 32 of that Convention, as the case might be.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments Act 1991, s.2(5)	In subsection (3) (definition of “Contracting State” for the words “In this Act “Contracting State” means—” there shall be substituted the words—“In this Act— “Contracting State”, without more, in any provision means — (a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State; and (b) in the application of the provision in relation to the Lugano Convention, a Lugano Contracting State; “Brussels Contracting State” means —.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments Regulations 2007/1665, Reg. 2(3)	In section 1(3) — (a) for the definition of “Brussels Contracting State” substitute —“Brussels Contracting State” means a state which is one of the original parties to the 1968 Convention or one of the parties acceding to that Convention under the Accession Convention, or under the 1982 Accession Convention, or under the 1989 Accession Convention, but only with respect to any territory—(a) to which the Brussels Conventions apply; and (b) which is excluded from the scope of the Regulation pursuant to Article 299 of the Treaty establishing the European Community”; and (b) for the definition of “Regulation State” substitute—“Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 3(4)	In subsection (3)—(a) in the definition of “Contracting State”, for “Lugano Contracting State” substitute “State bound by the Lugano Convention”; (b) for the definition of “Lugano Contracting State” substitute “State bound by the Lugano Convention” in any provision, in the application of that provision in relation to the Lugano Convention has the same meaning as in Article 1(3) of that Convention.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 4(3)	In subsection (3) after the definition of “Brussels Contracting State” insert—“Maintenance Regulation State”, in any provision, in the application of that provision in relation to the Maintenance Regulation means a Member State.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012/1770, Reg. 4(b)	In section 1 (interpretation of references to the Conventions and Contracting States)— ... (b) in subsection (3) before the definition of “Contracting State” insert—“2007 Hague Convention State”, in any provision, in the application of that provision in relation to the 2007 Hague Convention, means a State bound by that Convention.”.	Jurisdiction / Recognition and Enforcement
		s.1(3)	Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012/1809, Sch 1(1), para. 1	In section 1(3), paragraph (b) of the definition of “Brussels Contracting State”, “Articles 349 and 355 of the Treaty on the Functioning of the European Union” is substituted for “Article 299 of the Treaty establishing the European Community”	Jurisdiction / Recognition and Enforcement
		s.1(3)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 3(3)	(a) at the appropriate place insert—“2005 Hague Convention State”, in any provision, in the application of that provision in relation to the 2005 Hague Convention, means a State bound by that Convention”; and (b) in the definition of “Contracting State”—(i) at the end of paragraph (a) omit “and”; (ii) at the end of paragraph (b) insert “and”; and (iii) after paragraph (b) insert—“(c) in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State.”.	Jurisdiction / Recognition and Enforcement
		s.1(4)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2(1), para 1(c)	(c) after subsection (3) insert—“(4) Any question arising as to whether it is the Regulation, any of the Brussels Conventions, or the Lugano Convention which applies in the circumstances of a particular case shall be determined as follows—(a) in accordance with Article 54B of the Lugano Convention (which determines the relationship between the Brussels Conventions and the Lugano Convention); and (b) in accordance with Article 68 of the Regulation (which determines the relationship between the Brussels Conventions and the Regulation).”.	Jurisdiction / Recognition and Enforcement
		s.1(4)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 3(4)	In subsection (4)—(a) for “the Brussels Conventions, or the Lugano Convention” substitute “the Brussels Conventions, the Lugano Convention, or the 2005 Hague Convention”; (b) at the end of paragraph (a) omit “and”; (c) at the end of paragraph (b) insert “, and”; and (d) after paragraph (b) insert—“(c) in accordance with Article 26 of the 2005 Hague Convention (which determines the relationship between the Brussels Conventions, the Lugano Convention, the Regulation and the 2005 Hague Convention).”.	Jurisdiction / Recognition and Enforcement
		s.1(4)(a)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 3(5)	In subsection 4(a) for “Article 54B” substitute “Article 64”.	Jurisdiction / Recognition and Enforcement
		s.2	All of section 2 is relevant		Jurisdiction / Recognition and Enforcement

		s.2	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 1	The words "Brussels Conventions" shall be substituted for the word "Conventions" wherever occurring in section 2 (the Conventions to have the force of law) and section 3 (interpretation of the Conventions).	Jurisdiction / Recognition and Enforcement
		s.2	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 7	The following shall be substituted for section 2(2) of the Act— (a) the 1968 Convention as amended by Titles II and III of the Accession Convention; (b) Titles II and III of the 1982 Accession Convention and by Titles II and III of, and Annex I(d) to, the 1989 Accession Convention; (c) the 1971 Protocol as amended by Title IV of the Accession Convention, by Title IV of the 1982 Accession Convention and by Title IV of the 1989 Accession Convention; (d) Titles V and VI of the Accession Convention (transitional and final provisions) as amended by Title V of the 1989 Accession Convention; (e) Titles V and VI of the 1982 Accession Convention (transitional and final provisions); and (f) Titles VI and VII of the 1989 Accession Convention (transitional and final provisions); being texts prepared from the authentic English texts referred to in Articles 37 and 41 of the Accession Convention, in Article 17 of the 1982 Accession Convention and in Article 34 of the 1989 Accession Convention.	Jurisdiction / Recognition and Enforcement
		s.2	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824, Part I, Art. 6	In section 2(2)— (a) for "and 3B" substitute "3B and 3C"; (b) in subsections (a) and (b), after the words "the 1982 Accession Convention", wherever they appear, delete "and"; (c) at the end of subsection (a) insert— "and by Title II and III of the 1996 Accession Convention"; (d) at the end of subsection (b) insert— "and by Title IV of the 1996 Accession Convention"; (e) after subsection (e) insert— "(f) Titles V and VI of the 1996 Accession Convention (transitional and final provisions)."; and (f) for "and in Article 34 of the 1989 Accession Convention" insert "in Article 34 of the 1989 Accession Convention and in Article 18 of the 1996 Accession Convention".	Jurisdiction / Recognition and Enforcement
		s.3	All of section 3 is relevant		Jurisdiction / Recognition and Enforcement
		s.3	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 1	The words "Brussels Conventions" shall be substituted for the word "Conventions" wherever occurring in section 2 (the Conventions to have the force of law) and section 3 (interpretation of the Conventions).	Jurisdiction / Recognition and Enforcement
		s.3	Treaty of Lisbon (Changes in Terminology) Order 2011/1043, Part II, Art. 4(1)	(1) For references to the European Communities or to the European Community or the European Coal and Steel Community (including references to "the Communities", "the Community", "the EC" or "the EEC") substitute references to the European Union.	Jurisdiction / Recognition and Enforcement
		s.3	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1989/1346, Art.8	The following shall be inserted after paragraph (b) of section 3(3) of the Act—, and (c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention.	Jurisdiction / Recognition and Enforcement
		s.3	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 8	The following shall be inserted after paragraph (c) of section 3(3) of the Act—; and (d) the report by Mr. Martinho de Almeida Cruz, Mr. Manuel Desantes Real and Mr. P. Jenard on the 1989 Accession Convention.	Jurisdiction / Recognition and Enforcement
		s.3A and s.3B	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 4	Repeals sections 3A and 3B	Jurisdiction / Recognition and Enforcement
		s.3A and s.3B	Civil Jurisdiction Judgments Act 1991, s.1	Insert the following after s.3: "3A.— The Lugano Convention to have the force of law.(1) The Lugano Convention shall have the force of law in the United Kingdom, and judicial notice shall be taken of it.(2) For convenience of reference there is set out in Schedule 3C the English text of the Lugano Convention.3B.— Interpretation of the Lugano Convention.(1) In determining any question as to the meaning or effect of a provision of the Lugano Convention, a court in the United Kingdom shall, in accordance with Protocol No. 2 to that Convention, take account of any principles laid down in any relevant decision delivered by a court of any other Lugano Contracting State concerning provisions of the Convention.(2) Without prejudice to any practice of the courts as to the matters which may be considered apart from this section, the report on the Lugano Convention by Mr. P. Jenard and Mr. G. Møller (which is reproduced in the Official Journal of the Communities of 28th July 1990) may be considered in ascertaining the meaning or effect of any provision of the Convention and shall be given such weight as is appropriate in the circumstances."	Jurisdiction / Recognition and Enforcement
		s.4	All of section 4 is relevant		Recognition and Enforcement
		s.4(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 2	In section 4(1) (enforcement of judgments other than maintenance orders) and section 5(1) (recognition and enforcement of maintenance orders) after the words "an application under Article 31" there shall be inserted the words "of the 1968 Convention or of the Lugano Convention".	Recognition and Enforcement
		s.4(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 5(1)	In section 4(1) omit "or of the Lugano Convention".	Recognition and Enforcement
		s.4A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 5(2)	INSERT: 4A(1) Where a judgment, other than a maintenance order, is registered under the Lugano Convention, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment. (2) A judgment other than a maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered. (3) Subsection (2) is subject to Article 47(3) of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the Lugano Convention may be enforced."	Recognition and Enforcement
		s.4B	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 4	After section 4A (enforcement of judgments, other than maintenance orders, under the Lugano Convention) insert—"4B.— Registration and enforcement of judgments under the 2005 Hague Convention (1) A judgment which is required to be recognised and enforced under the 2005 Hague Convention in any part of the United Kingdom must be registered in the prescribed manner in the appropriate court, on the application of any interested party. (2) In subsection (1) "the appropriate court" means—(a) in England and Wales or Northern Ireland, the High Court; (b) in Scotland, the Court of Session. (3) A judgment which is required to be recognised and enforced under the 2005 Hague Convention must be registered without delay on completion of the formalities in Article 13 of the 2005 Hague Convention if the registering court considers that it meets the condition for recognition in Article 9(3) of the 2005 Hague Convention, without any review of whether a ground for refusal under Article 9 applies. (4) The party against whom enforcement is sought shall not be entitled to make any submission on the application for registration. (5) Where a judgment which is required to be recognised and enforced under the 2005 Hague Convention has been registered, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment. (6) A judgment which is required to be recognised and enforced under the 2005 Hague Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered. (7) Subsection (6) is subject to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the 2005 Hague Convention may be enforced."	Recognition and Enforcement
		s.5	All of section 5 is relevant		Recognition and Enforcement
		s.5(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 2	In section 4(1) (enforcement of judgments other than maintenance orders) and section 5(1) (recognition and enforcement of maintenance orders) after the words "an application under Article 31" there shall be inserted the words "of the 1968 Convention or of the Lugano Convention".	Recognition and Enforcement
		s.5(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 6(1)	In section 5(1) omit "or of the Lugano Convention".	Recognition and Enforcement
		s.5A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 6(2)	INSERT: 5A(1) The Secretary of State's function (under Article 39 and Annex II of the Lugano Convention) of transmitting to the appropriate court an application for the recognition or enforcement in the United Kingdom of a maintenance order (made under Article 38 of the Lugano Convention) shall be discharged—(a) as respects England and Wales and Northern Ireland, by the Lord Chancellor; and (b) as respects Scotland, by the Scottish Ministers. In this subsection "the appropriate court" means the magistrates' court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article 39.(2) Such an application shall be determined in the first instance by the prescribed officer of the court having jurisdiction in the matter. (3) A maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been made by the registering court. (4) Subsection (3) is subject to Article 47 of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to subsection (6) and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under the Lugano Convention may be enforced. (5) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates' court in England and Wales shall, subject to the modifications of sections 76 and 93 of the Magistrates' Courts Act 1980 specified in sections 5(5B) and 5(5C) of the Act, be enforceable in the same manner as a magistrates' court maintenance order made by that court. In this subsection "magistrates' court maintenance order" has the same meaning as in section 150(1) of the Magistrates' Courts Act 1980. (6) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates' court in Northern Ireland shall, subject to the modifications of Article 38 of the Magistrates' Courts (Northern Ireland) Order 1981 specified in section 5(6A) of this Act, be enforceable as an order made by that court to which that Article applies. (7) The payer under a maintenance order registered under the Lugano Convention in a magistrates' court in England and Wales or Northern Ireland shall give notice of any change of address to the proper officer of that court. (8) A person who without reasonable excuse fails to comply with subsection (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale. (9) In subsection (7) "proper officer" means—(a) in relation to a magistrates' court in England and Wales, the designated officer; and (b) in relation to a magistrates' court in Northern Ireland, the clerk of the court."	Recognition and Enforcement
		s.6	All of section 6 is relevant		Recognition and Enforcement
		s.6(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 3(a)	In section 6 (appeals under Article 37, second paragraph and Article 41)— (a) in subsection (1), after the words "referred to" there shall be inserted the words "in the 1968 Convention and the Lugano Convention"; and ...	Recognition and Enforcement
		s.6(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 7(1)	In section 6(1) omit "and the Lugano Convention".	Recognition and Enforcement
		s.6(3)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 3(b)	In section 6 (appeals under Article 37, second paragraph and Article 41)— ... (b) in subsection (3), after the words "referred to" there shall be inserted the words "in each of those Conventions".	Recognition and Enforcement
		s.6(3)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 7(2)	In section 6(3) for "each of those Conventions" substitute "the 1968 Convention".	Recognition and Enforcement

	s.6A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 7(3)	INSERT: 6A(1) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a judgment other than a maintenance order lies—(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);(b) in Scotland, to the Inner House of the Court of Session.(2) Paragraph (a) of subsection (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that House lies from a decision of the Court of Appeal);(3) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a maintenance order lies—(a) in England and Wales, to a county court in accordance with section 111A of the Magistrates' Courts Act 1980;(b) in Scotland, to the Inner House of the Court of Session;(c) in Northern Ireland, to the Court of Appeal."	Recognition and Enforcement
	s.6B	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 5	After section 6A (appeals under Article 44 and Annex IV of the Lugano Convention) 1 insert—"6B. — Appeals in relation to registration of judgments under the 2005 Hague Convention (1) A decision on the application for registration of a judgment required to be recognised and enforced under the 2005 Hague Convention may be appealed against by either party. (2) The appeal referred to in subsection (1) lies—(a) in England and Wales or Northern Ireland, to the High Court; (b) in Scotland, to the Court of Session. (3) The court to which an appeal referred to in subsection (1) is brought must refuse or revoke registration only if—(a) the condition for recognition in Article 8(3) of the 2005 Hague Convention is not met; (b) the ground for postponement or refusal of recognition in Article 8(4) of the 2005 Hague Convention applies; or (c) one or more of the grounds specified in Article 9 of the 2005 Hague Convention apply. (4) A single further appeal on a point of law against the judgment given on the appeal referred to in subsection (1) lies—(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court); (b) in Scotland, to the Inner House of the Court of Session. (5) Paragraph (a) of subsection (4) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that Court lies from a decision of the Court of Appeal)."	Recognition and Enforcement
	s.7	All of section 7 is relevant		Recognition and Enforcement
	s.7(1) and s.7(5)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 8	In section 7(1) and (5), for '4 or 5' substitute '4, 4A, 5 or 5A'.	Recognition and Enforcement
	s.7(1) and s.7(5)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 6	In section 7(1) and (5) (interest on registered judgments) 1, after "4A," insert "4B."	Recognition and Enforcement
	s.8	All of section 8 is relevant		Recognition and Enforcement
	s.8(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 9	In section 8(1) after "section 5" insert "or 5A".	Recognition and Enforcement
	s.9	All of section 9 is relevant		Jurisdiction / Recognition and Enforcement
	s.9(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 4	In section 9 (provisions supplementary to Title VII of the 1968 Convention) in subsection (1)— (a) after the words "Title VII of the 1968 Convention" there shall be inserted the words "and, apart from Article 54B, of Title VII of the Lugano Convention"; and (b) for the words "that convention" there shall be substituted the words "the Convention in question".	Jurisdiction / Recognition and Enforcement
	s.9(1)	Civil Jurisdiction and Judgments Act 1991	After subsection (1) (which, as amended, will govern the relationship between other conventions and the 1968 and Lugano Conventions) there shall be inserted—"(1A) Any question arising as to whether it is the Lugano Convention or any of the Brussels Conventions which applies in the circumstances of a particular case falls to be determined in accordance with the provisions of Article 54B of the Lugano Convention."	Jurisdiction / Recognition and Enforcement
	s.9(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 10(1)	In section 9(1) for "Article 54B" substitute "Article 64".	Jurisdiction / Recognition and Enforcement
	s.9(1)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 7	In section 9 (provisions supplementary to Title VII of 1968 Convention) 1 after "Lugano Convention" insert "and Article 26 of the 2005 Hague Convention".	Jurisdiction / Recognition and Enforcement
	s.9(1A)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2(i), para 2	In section 9 (provisions supplementary to Title VII of the 1968 Convention), omit subsection (1A).	Jurisdiction / Recognition and Enforcement
	s.9(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 10(2)	Omitted	Jurisdiction / Recognition and Enforcement
	s.10	All of section 10 is relevant		Jurisdiction
	s.10(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 5	In section 10 (allocation within UK of jurisdiction in proceedings with respect to trusts and consumer contracts in respect of which the 1968 Convention confers jurisdiction on UK courts generally), in subsection (1) after the words "the 1968 Convention" there shall be inserted the words "or the Lugano Convention".	Jurisdiction
	s.10(3)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 11	In section 10(3) after "Article 14" insert "of the 1968 Convention or Article 16(1) of the Lugano Convention".	Jurisdiction
	s.11	All of section 11 is relevant		Jurisdiction / Recognition and Enforcement
	s.11(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 12(1)	In section 11(1) omit "and the Lugano Convention".	Jurisdiction / Recognition and Enforcement
	s.11A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 12(2)	Insert: 11A(1) For the purposes of the Lugano Convention—(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a State bound by the Lugano Convention other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and (b) a certificate obtained in accordance with Article 54 and Annex V shall be evidence, and in Scotland sufficient evidence, that the judgment is enforceable in the State of origin which is bound by the Lugano Convention. (2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—(a) to bear the seal of that court; or (b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court. (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section."	Jurisdiction / Recognition and Enforcement
	s.11B	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 8	After section 11A (proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention) insert—"11B.— Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention(1) For the purposes of the 2005 Hague Convention—(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a 2005 Hague Convention State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and (b) a certificate issued by the court of the 2005 Hague Convention State of origin, in the form recommended for use under the 2005 Hague Convention and published by the Hague Conference on Private International Law, as referred to in Article 13(3) of the 2005 Hague Convention, shall be evidence, and in Scotland sufficient evidence, as to whether the judgment has effect or is enforceable in the 2005 Hague Convention State of origin. (2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—(a) to bear the seal of that court; or (b) to be certified by any person in their capacity as judge or officer of that court to be a true copy of a judgment given by that court. (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section."	Jurisdiction / Recognition and Enforcement
	s.12	All of section 12 is relevant		Jurisdiction / Recognition and Enforcement
	s.12	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 9	In section 12 (provision for issue of copies of, and certificates in connection with, UK judgments) 1, for "or the Lugano Convention" substitute ", the Lugano Convention or the 2005 Hague Convention".	Jurisdiction / Recognition and Enforcement
	s.13	All of section 13 is relevant		Recognition and Enforcement
	s.13(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 8(c)	In section 13 (modifications to cover authentic instruments and court settlements) in subsection (1) — (a) after the words "the 1968 Convention" in paragraph (a) there shall be inserted the words "or the Lugano Convention"; (b) after the words "Title IV of the 1968 Convention" there shall be inserted the words "or, as the case may be, Title IV of the Lugano Convention"; and (c) for the words "that Convention" there shall be substituted the words "the Convention in question".	Recognition and Enforcement
	s.13(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 13	In section 13(1) omit "or the Lugano Convention" and "or, as the case may be, Title IV of the Lugano Convention".	Recognition and Enforcement
	s.14	All of section 14 is relevant		Miscellaneous
	s.14(1) and s.14(3)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 9(a)	In section 14 (modifications consequential on revision of the Conventions)— (a) for the words "any of the Conventions", wherever occurring in subsections (1) and (3), there shall be substituted the words "the Lugano Convention or any of the Brussels Conventions"; and (b) in subsection (1), after the words "any revision connected with the accession to" there shall be inserted the words "the Lugano Convention or".	Miscellaneous
	s.14(1) and s.14(3)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 14	In section 14(1) and (3) omit "the Lugano Convention or".	Miscellaneous
	s.15	All of section 15 is relevant		Miscellaneous
	s.15(1)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 10(a)	In section 15 (interpretation of Part I)— (a) in subsection (1), in the definition of "maintenance order", after the words "maintenance judgment within the meaning of the 1968 Convention" there shall be inserted the words "or, as the case may be, the Lugano Convention"; and ...	Miscellaneous
	s.15(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 15(1)	In section 15(1) after "Article 25" insert "of the 1968 Convention or, as the case may be, Article 32 of the Lugano Convention"	Miscellaneous
	s.15(1) and s.15(2)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 10	(1) Section 15 (interpretation of Part I and consequential amendments) is amended as follows. (2) In subsection (1) at the end of the definition of "judgment" insert "or Article 4(1) of the 2005 Hague Convention". (3) In subsection (2), after "4A," insert "4B."	Miscellaneous
	s.15(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 15(2)	In section 15(2) for the words "section 4 or 5" substitute "sections 4, 4A, 5 or 5A".	Miscellaneous
	s.15(3)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 10(b)	In section 15 (interpretation of Part I)— ... (b) in subsection (3), after the words "authorised or required by the 1968 Convention" there shall be inserted the words "the Lugano Convention".	Miscellaneous
	s.16	All of section 16 is relevant		Jurisdiction / Recognition and Enforcement
	s.16(1), s.16(3) and s.16(4)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, para 3	In section 16 (allocation within UK of jurisdiction in certain civil proceedings)— (a) in subsection (1)— (i) for "Title II of the 1968 Convention" substitute "Chapter II of the Regulation"; (ii) for paragraph (a) substitute—" (a) the subject-matter of the proceedings is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation has effect in relation to the proceedings); and"; and (iii) in paragraph (b), for "Article 16 of the 1968 Convention" substitute "Article 22 of the Regulation"; (b) omit subsection (2); (c) in subsection (3) (a)— (i) after "Convention" insert "or Chapter II of the Regulation"; and (ii) after "that Title" insert "or that Chapter"; and (d) in subsection (4), after "subject to" insert "the Regulation".	Jurisdiction / Recognition and Enforcement
	s.16(1)(b)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg 2 & Sch 1, para 3	In subsection (1)(b), for "Article 22" substitute "Article 24".	Jurisdiction / Recognition and Enforcement

		s.16(4)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 2	In section 16 (allocation within UK of jurisdiction in certain civil proceedings), in subsection (4) after "Regulation" insert " "; Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011".	Jurisdiction / Recognition and Enforcement
		s.16(4)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 11	In section 16(4) (allocation within the UK of jurisdiction in certain civil proceedings), for "and the Lugano Convention" substitute " ", the Lugano Convention and the 2005 Hague Convention".	Jurisdiction / Recognition and Enforcement
		s.17	All of section 17 is relevant		Jurisdiction / Recognition and Enforcement
		s.18(7)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 3	In section 18 (enforcement of UK judgments in other parts of the UK), in subsection (7) after "section 4 or 5 of this Act" insert " or by virtue of the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011..".	Jurisdiction / Recognition and Enforcement
		s.18(7)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 5(2)	In section 18 (enforcement of UK judgments in other parts of the UK), in subsection (7), after "Act 1972" insert " ", the International Recovery of Maintenance (Hague Convention 2007) Regulations 2012".	Jurisdiction / Recognition and Enforcement
		s.18(7)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 3	Section 18(7) of the Act (disapplication of section 18) has effect to disapply section 18 in relation to an authentic instrument or court settlement to which Article 48 applies [of the Maintenance Regulation]	Jurisdiction / Recognition and Enforcement
		s.18 and s.18(7)	Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001/3928, Art. 3	See also SI below. The disapplication of section 18 of the [Civil Jurisdiction and Judgments Act 1982] (enforcement of United Kingdom judgments in other parts of the United Kingdom) by section 18(7) will extend to authentic instruments and court settlements enforceable in a Regulation State outside the United Kingdom which will fail to be treated for the purposes of their enforcement as judgments of a court of law in the United Kingdom by virtue of enforcement under the Regulation	Jurisdiction / Recognition and Enforcement
		s.19	All of section 19 is relevant		Jurisdiction / Recognition and Enforcement
		s.24(1)(b) and (c); s.24(2)(b) and (c)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, para 9	In section 24 (interim relief and protective measures in cases of doubtful jurisdiction)—(a) at the end of subsection (1)(b) insert—" "; or (c) the proceedings involve a reference of any matter relating to the Regulation to the European Court under Article 68 of the Treaty establishing the European Community" and (b) at the end of subsection (2)(b) insert—" "; or (c) the proceedings involve a reference of any matter relating to the Regulation to the European Court under Article 68 of the Treaty establishing the European Community".	Jurisdiction
		s.24(1)(c) and s.24(2)(c)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 16	In section 24(1)(c) and (2)(c) after "the Regulation" insert "or the Lugano Convention".	Jurisdiction
		s.24(1)(c) and s.24(2)(c)	Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012/1809, Sch 1(1), para 1	"Article 267 of the Treaty on the Functioning of the European Union" is substituted for "Article 68 of the Treaty establishing the European Community"	Jurisdiction
		s.24(1)(c) and s.24(2)(c)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 12	In section 24(1)(c) and (2)(c) (interim relief and protective measures in cases of doubtful jurisdiction) 1 after "the Lugano Convention" insert "or the 2005 Hague Convention".	Jurisdiction
		s.24(1)(d) and s.24(2)(d)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 3, para 5	Section 24 (interim relief and protective measures in cases of doubtful jurisdiction) is amended as follows: subsection (1), after paragraph (c) insert or d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union. ". In subsection (2), after paragraph (c) insert—" or (d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union..".	Jurisdiction
		s.25	All of section 25 is relevant		Jurisdiction
		s.25(1) and s.25(3)(a)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 6	Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings) is amended as follows. In subsection (1)—(a) in paragraph (a), after "a Regulation State" insert "or a Maintenance Regulation State"; (b) in paragraph (b), after "Article 1 of the Regulation" insert " ", within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation"; (c) in that paragraph, after "whether or not the Regulation" insert " "; the Maintenance Regulation". In subsection (3)—(a) in paragraph (a), after "Regulation State" insert "or a Maintenance Regulation State"; (b) in paragraph (b) omit "either"; (c) in that paragraph, after "Article 1 of the Regulation" insert " ", the Maintenance Regulation as determined by Article 1 of that Regulation".	Jurisdiction
		s.25(1)(a) and s.25(3)(a)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 12(a)	The words "Brussels or Lugano Contracting State" shall be substituted for the words "Contracting State" wherever occurring in each of the following provisions, that is to say— (a) in subsections (1) (a) and (3)(a) of section 25 (interim relief in England and Wales or Northern Ireland in the absence of substantive proceedings); ...	Jurisdiction
		s.25(1)(a) and s.25(3)(a)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 17(2)	In subsections (1)(a) and (3)(a) for "or Lugano Contracting State" substitute "Contracting State or a State bound by the Lugano Convention"	Jurisdiction
		s.25(1)(a) and s.25(3)(a)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 13(1) and 13(2)	Section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings) 1 is amended as follows: In subsections (1)(a) and (3)(a) after "Lugano Convention" insert "or a 2005 Hague Convention State".	Jurisdiction
		s.25(1)(a) and (b) and s.25(3)(a) and (b)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, para 10	In section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings)—(a) in subsection (1)—(i) in paragraph (a), after "State" insert "or a Regulation State"; and (ii) for paragraph (b), substitute—" (b) they are or will be proceedings whose subject-matter is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation has effect in relation to the proceedings); "; and (b) in subsection (3)—(i) in paragraph (a), after "State" insert "or Regulation State"; and (ii) for paragraph (b), substitute—" (b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation..".	Jurisdiction
		s.25(1)(b)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 17(3)	In subsection (1) for paragraph (b) substitute—" (b) they are or will be proceedings whose subject-matter is either within the scope of the Regulation as determined by Article 1 of the Regulation or within the scope of the Lugano Convention as determined by Article 1 of the Lugano Convention (whether or not the Regulation or the Lugano Convention has effect in relation to the proceedings)..".	Jurisdiction
		s.25(1)(b)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 13(3)	In subsection (1) for paragraph (b) substitute—" (b) they are or will be proceedings whose subject-matter is either within the scope of the Regulation, as determined by Article 1 of the Regulation, within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation within scope of the Lugano Convention as determined by Article 1 of the Lugano Convention or within scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention (whether or not the Regulation, the Maintenance Regulation, the Lugano Convention or the 2005 Hague Convention has effect in relation to the proceedings)..".	Jurisdiction
		s.25(3)(b)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 17(4)	In subsection (3) for paragraph (b) substitute—" (b) proceedings whose subject-matter is not within the scope either of the Regulation as determined by Article 1 of the Regulation or the Lugano Convention as determined by Article 1 of the Lugano Convention..".	Jurisdiction
		s.25(3)(b)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 13(4)	In subsection (3)(b)—(a) for "or the Lugano Convention" substitute " ", the Lugano Convention"; and (b) at the end insert " or the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention..".	Jurisdiction
		s.32(4)(a)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 14	In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes) in subsection (4) (saving for judgments required to be recognised or enforced in UK under the 1968 Convention etc) in paragraph (a), after the words "under the 1968 Convention" there shall be inserted the words "or the Lugano Convention".	Recognition and Enforcement
		s.32(4)(a)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2(V), para 14	In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after "or the Lugano Convention" insert "or the Regulation".	Recognition and Enforcement
		s.32(4)(a)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 9	In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after "the Regulation" insert "or the Maintenance Regulation".	Recognition and Enforcement
		s.32(4)(a)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 5(3)	In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after "the Maintenance Regulation" insert "or the 2007 Hague Convention".	Recognition and Enforcement
		s.32(4)(a)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 16	In section 32(4)(a) (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes) 1 after "under" insert "the 2005 Hague Convention..".	Recognition and Enforcement
		s.33(2)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 15	In section 33 (certain steps not to amount to submission to the jurisdiction of an overseas court) in subsection (2) (saving for judgments required to be recognised or enforced in England and Wales or Northern Ireland under the 1968 Convention) after the words "under the 1968 Convention" there shall be inserted the words "or the Lugano Convention".	Recognition and Enforcement
		s.33(2)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2(V), para 15	In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), at the end of subsection (2) add "or the Regulation".	Recognition and Enforcement
		s.33(2)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 4, para 10	In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), in subsection (2) after "the Regulation" insert "or the Maintenance Regulation".	Recognition and Enforcement
		s.33(2)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 5(4)	In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), in subsection (2) after "or the Maintenance Regulation" insert "or the 2007 Hague Convention".	Recognition and Enforcement
		s.33(2)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 17	At the end of section 33(2) (certain steps not to amount to submission to jurisdiction of overseas court) 1 insert "or the 2005 Hague Convention".	Recognition and Enforcement
		s.35			Recognition and Enforcement
		s.37			Maintenance / Enforcement
		s.39	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 10	The following shall be substituted for section 39(2)(c) and (d) of the Act—" (c) any colony."	Jurisdiction / Recognition and Enforcement
		s.41(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 18(1)	In section 41(1) omit "the Lugano Convention".	Jurisdiction

		s.41A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 18(2)	s41A(1) Subject to Article 59 of the Lugano Convention (which contains provisions for determining whether a party is domiciled in a State bound by the Lugano Convention), the following provisions of this section determine, for the purposes of the Lugano Convention, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom or in a state other than a State bound by the Lugano Convention. (2) An individual is domiciled in the United Kingdom if and only if—(a) he is resident in the United Kingdom; and (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom. (3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—(a) he is resident in that part; and (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part. (4) An individual is domiciled in a particular place in the United Kingdom if and only if he—(a) is domiciled in the part of the United Kingdom in which that place is situated; and (b) is resident in that place. (5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident. (6) In the case of an individual who—(a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and (b) has been so resident for the last three months or more, the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved. (7) An individual is domiciled in a state other than a State bound by the Lugano Convention if and only if—(a) he is resident in that state; and (b) the nature and circumstances of his residence indicate that he has a substantial connection with that state."	Jurisdiction
		s.42(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 19	In section 42(2)(a) omit "or, as the case may be, the Lugano Convention".	Jurisdiction
		s.42(6) and s.42(7)			Jurisdiction
		s.43	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 18	In section 43 (seat of corporation or association for purposes of Article 16(2) and related provisions) in subsection (1)(a), after the words "Article 16(2)" there shall be inserted the words "of the 1968 Convention or of the Lugano Convention".	Jurisdiction
		s.43(1)(a)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 20(2)	In section 43(1)(a) omit "or of the Lugano Convention".	Jurisdiction
		s.43(1)(b) and s.43(1)(c)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2(V), paras 16(a) and 16(b)	In section 43 (seat of corporation or association for purposes of Article 16(2) and related provisions)— (a) in subsection (1)(b), for "Articles 5A and 16(2)" substitute "rules 4 and 11(b)"; and (b) in subsection (1)(c), for "rules 2(12) and 4(1)(b)" substitute "rules 2(l) and 5(1)(b)".	Jurisdiction
		s.43(6) and s.43(7)			Jurisdiction
		s.43A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 20(1)	Insert: s43A (1) The following provisions of this section determine where a company, or other legal person or an association of natural or legal persons, has its seat for the purposes of Article 22(2) of the Lugano Convention (which confers exclusive jurisdiction over proceedings relating to the validity of the constitution, the nullity or the dissolution of such bodies, or to the validity of the decisions of their organs). (2) A company, legal person or association has its seat in the United Kingdom if and only if—(a) it was incorporated or formed under the law of a part of the United Kingdom; or (b) its central management and control is exercised in the United Kingdom. (3) Subject to subsection (4), a company, legal person or association has its seat in a State bound by the Lugano Convention other than the United Kingdom if and only if—(a) it was incorporated or formed under the law of that state; or (b) its central management and control is exercised in that state. (4) A company, legal person or association shall not be regarded as having its seat in a State bound by the Lugano Convention other than the United Kingdom if—(a) it has its seat in the United Kingdom by virtue of subsection (2)(a); or (b) it is shown that the courts of that other state would not regard it for the purposes of Article 22(2) as having its seat there."	Jurisdiction
		s.44(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 21(2)	In subsection 44(1)—(a) in paragraph (a) omit "or section 3 of Title II of the Lugano Convention"; and (b) in paragraph (b) for "Title II of either of those Conventions" substitute "Title II of the 1968 Convention".	Jurisdiction
		s.44(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 21(3)	In subsection 44(2) omit "or, as the case may be, of the Lugano Convention".	Jurisdiction
		s.44A	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 22	INSERT: s44A(1) This section applies to—(a) proceedings within Section 3 of Title II of the Lugano Convention (insurance contracts); (b) proceedings within Section 4 of Title II of the Lugano Convention (consumer contracts); and (c) proceedings within Section 5 of Title II of the Lugano Convention (employment contracts). (2) A person who, for the purposes of proceedings to which this section applies arising out of the operations of a branch, agency or other establishment in the United Kingdom, is deemed for the purposes of the Lugano Convention to be domiciled in the United Kingdom by virtue of—(a) Article 9(2) (insurers); or (b) Article 15(2) (suppliers of goods, services or credit to consumers); or (c) Article 18(2) (employers), shall, for the purposes of those proceedings, be treated as so domiciled and as domiciled in the part of the United Kingdom in which the branch, agency or establishment in question is situated."	Jurisdiction
		s.45	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 20	In section 45 (domicile of trusts) in subsection (1), after the words "for the purposes of the 1968 Convention" there shall be inserted the words "the Lugano Convention".	Jurisdiction
		s.46(2)(a)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 23(2)	In subsection (2)(a) for "and the Lugano Convention in each of which" substitute "in which".	Jurisdiction
		s.46(4)	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 21(2)	(1) In section 46 (domicile and seat of the Crown) in subsection (2)(a), after the words "for the purposes of the 1968 Convention" there shall be inserted the words "and the Lugano Convention" and for the words "(in which" there shall be substituted the words "(in each of which)". (2) In subsection (4) of that section (Order in Council with respect to seat of the Crown) after the words "for the purposes of the 1968 Convention" there shall be inserted the words "the Lugano Convention".	Jurisdiction
		s.46(4)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 23(3)	In subsection (4) omit "the Lugano Convention".	Jurisdiction
		s.47	Civil Jurisdiction and Judgments Act 1991, Sch 2, para 22	In section 47 (modifications occasioned by decisions of the European Court as to meaning or effect of the Conventions) for the word "Conventions", wherever occurring, there shall be substituted the words "Brussels Conventions".	Jurisdiction
		s.48 (general interpretation)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 7	See also SI below, Reg. 7 (1) Section 48 of the Civil Jurisdiction and Judgments Act 1982 (matters for which rules of court may provide) applies in relation to authentic instruments and court settlements as if they were maintenance decisions to which the Maintenance Regulation applies. (2) The reference in paragraph (1) to authentic instruments and court settlements is to those authentic instruments and court settlements which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 48 of the Maintenance Regulation. (3) In this regulation—"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark; "authentic instrument" and "court settlement" have the meanings given in Article 2 of the Maintenance Regulation; "authentic instrument" and "court settlement" have the meanings given in Article 2 of the Maintenance Regulation.	Jurisdiction / Recognition and Enforcement
		s.48 (general interpretation)	Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001/3928, Art. 4	See also SI below, Section 48 of the (Civil Jurisdiction and Judgments Act 1982) (matters for which rules of court may provide) will apply to authentic instruments and court settlements as if they were judgments to which the Regulation applies.	Jurisdiction / Recognition and Enforcement
		s.48 (general interpretation)	International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012/1770, Reg. 7	See also SI below, Reg. 7 (1) Section 48 of the Civil Jurisdiction and Judgments Act 1982 (matters for which rules of court may provide) applies in relation to maintenance arrangements as if they were maintenance decisions to which the Convention applies. (2) The reference in paragraph (1) to maintenance arrangements is to those maintenance arrangements which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 30X of the Convention. (3) In this regulation—"the Convention" means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23 November 2007; "maintenance arrangement" has the meaning given in Article 3(e) of the Convention; "maintenance decision" means a decision, or part of a decision, to which Chapter V of the Convention applies by virtue of Article 18(1) of the Convention.	Jurisdiction / Recognition and Enforcement
		s.48(1)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 18	For section 48(1) (matters for which rules of court may provide) substitute—"(1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act, the Lugano Convention, the Brussels Conventions, the Regulation, the Maintenance Regulation, the 2007 Hague Convention or the 2005 Hague Convention."	Jurisdiction / Recognition and Enforcement
		s.48(1)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 5(2)	In subsection (1), at the end insert "or the Maintenance Regulation".	Jurisdiction / Recognition and Enforcement
		s.48(1), s.48(2) and s.48(3)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, para 17	In section 48 (matters for which rules of court may provide)—(a) in subsection (1), at the end add "or the Regulation"; (b) in subsection (2), after "this Act" insert "or the Regulation"; (c) in subsection (3)—(i) after "Conventions" insert ", the Regulation"; (ii) in paragraph (a) after "Contracting State", in both places where it occurs, insert "or Regulation State"; (iii) in paragraph (b) after "Contracting States" insert "or Regulation States"; (iv) in paragraph (e) after "Contracting State" insert "or Regulation State"; and (v) in paragraph (g) after "Contracting States" insert "or Regulation States".	Jurisdiction / Recognition and Enforcement
		s.48(1), s.48(2) and s.48(3)	International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012/1770, Reg. 5	In section 48 (matters for which rules of court may provide)—(a) in subsection (1), at the end insert "or the 2007 Hague Convention"; (b) in subsection (2), in paragraph (i), for "or the Regulation" substitute ", the Regulation or the 2007 Hague Convention"; (c) in subsection (3)—(i) in the opening words, after "the Maintenance Regulation" insert ", the 2007 Hague Convention"; (ii) in paragraph (a), for "or Maintenance Regulation State" in both places, substitute ", Maintenance Regulation State or 2007 Hague Convention State"; (iii) in paragraph (b), for "or Maintenance Regulation States" substitute ", Maintenance Regulation States or 2007 Hague Convention States"; (iv) in paragraph (e), for "or Maintenance Regulation State" substitute ", Maintenance Regulation State or 2007 Hague Convention State"; (v) in paragraph (g), for "or Maintenance Regulation States" substitute ", Maintenance Regulation States or 2007 Hague Convention States".	Jurisdiction / Recognition and Enforcement
		s.48(2)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 5(3)	In subsection (2), for the words from "certificate or judgment" to "may be enforced," substitute—"certificate or judgment"—(a) which has been registered in any court under provision of this Act or the Regulation, (b) which is enforceable in the United Kingdom by virtue of Section 1 of Chapter IV of the Maintenance Regulation, or (c) which has been registered for the purposes of Section 2 of that Chapter, may be enforced,."	Jurisdiction / Recognition and Enforcement
		s.48(2)(a)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 2, Sch 1, para 4(a)	In subsection (2)(a), omit ", the Regulation"	Jurisdiction / Recognition and Enforcement
		s.48(2)(a)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 2, Sch 1, para 4(b)	After subsection (2)(a) insert—" (aa) which is enforceable in the United Kingdom under the Regulation,."	Jurisdiction / Recognition and Enforcement
		s.48(3)	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 5(4)	In subsection (3)— (a) in the opening words, after "the Regulation" insert ", the Maintenance Regulation"; (b) in paragraph (a) for "or Regulation State", in both places, substitute ", Regulation State or Maintenance Regulation State"; (c) in paragraph (b) for "or Regulation States" substitute ", Regulation States or Maintenance Regulation States"; (d) in paragraph (e) for "or Regulation State" substitute ", Regulation State or Maintenance Regulation State"; (e) in paragraph (g) for "or Regulation States" substitute ", Regulation States or Maintenance Regulation States".	Jurisdiction / Recognition and Enforcement
		s.49	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 19	At the end of section 49 (saving for powers to stay, sist, strike out or dismiss proceedings) insert "or the 2005 Hague Convention".	Jurisdiction / Recognition and Enforcement

		s.50	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 9	The following shall be substituted for the first item in section 50 of the Act— “the Accession Convention”, “the 1982 Accession Convention” and “the 1989 Accession Convention” have the meaning given by section 1(1).”	Jurisdiction / Recognition and Enforcement
		s.50	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, para 18	In section 50 (interpretation: general) after the definition of “the 1971 Protocol” insert the following definition— “the Regulation” has the meaning given by section 1(1); “Regulation State” has the meaning given by section 1(3).”	Jurisdiction / Recognition and Enforcement
		s.50	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 24	(a) omit the definition of “Lugano Contracting State”; and (b) after the definition of rules of court insert— “State bound by the Lugano Convention” has the meaning given by section 1(3).”	Jurisdiction / Recognition and Enforcement
		s.50	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011/1215, Reg. 6	In section 50 (interpretation: general) after the definition of “magistrates’ court” insert— “the Maintenance Regulation” has the meaning given by section 1(1); “Maintenance Regulation State” has the meaning given by section 1(3).”	Jurisdiction / Recognition and Enforcement
		s.50	International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012/1770, Reg. 6	In section 50 (interpretation: general) after the definition of “enactment” insert— “the 2007 Hague Convention” has the meaning given by section 1(1); “2007 Hague Convention State” has the meaning given by section 1(3).”	Jurisdiction / Recognition and Enforcement
		s.50	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 20	In section 50 (interpretation: general) 1, at the appropriate place insert— “the 2005 Hague Convention” has the meaning given by section 1(1); “2005 Hague Convention State” has the meaning given by section 1(3).”	Jurisdiction / Recognition and Enforcement
		s.52	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 11	The following shall be substituted for section 52(2)(c) and (d) of the Act— “(c) any colony.”	Jurisdiction / Recognition and Enforcement
		Sch 1	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824	Text of 1968 Convention, as amended	Jurisdiction / Recognition and Enforcement
		Sch 1	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 12(1) and Sch 1	12.— (1) The text set out in Schedule 1 to this Order shall be substituted for the text set out in Schedule 1 to the Act. [Text of Schedule 1 not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 2	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824	Text of 1971 Protocol, as amended	Jurisdiction / Recognition and Enforcement
		Sch 2	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1825	12.— (2) The text set out in Schedule 2 to this Order shall be substituted for the text set out in Schedule 2 to the Act. [Text of Schedule 2 not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 3	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 12(3) and Sch 3	Text of Titles V and VI of the Accession Convention, as amended	Jurisdiction / Recognition and Enforcement
		Sch 3	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591, Art. 12(3) and Sch 3	12.— (3) The text set out in Schedule 3 to this Order shall be substituted for the text set out in Schedule 3 to the Act. [Text of Schedule 3 not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 3A	S.I. 1989/1346, art. 9(3), Sch. 3	Text of Titles V and VI of 1982 Accession Convention	Jurisdiction / Recognition and Enforcement
		Sch 3A	S.I. 1989/1346, art. 9(3), Sch. 3	12.— (4) The text set out in Schedule 4 to this Order shall be inserted after Schedule 3A to the Act. [Text of Schedule 3A not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 3B	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990/2591	Text of Titles VI and VII of 1989 Accession Convention [Text of Schedule 3B not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 3BB	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824	Text of Titles V and VI of 1996 Accession Convention [Text of Schedule 3BB not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 3C	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 25	Schedule 3C repealed	Jurisdiction / Recognition and Enforcement
		Sch 3C	Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000/1824	Insert Schedule 3C as set out in schedule 1 to the Civil Jurisdiction and Judgments Act 1991. (Text of The Lugano Convention) [Text of Schedule 3C not set out in full due to size]	Jurisdiction / Recognition and Enforcement
		Sch 4	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484	Chapter II of the Regulation as modified: Rules for allocation of jurisdiction within the UK	Jurisdiction / Recognition and Enforcement
		Sch 5, para 6(a)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 2, Part II, para 6	In Schedule 5 (proceedings excluded from Schedule 4), in paragraph 6(a)— (a) after “Article 57”, insert “, or Article 71 of the Regulation,”; and (b) omit “in the 1968 Convention”.	Jurisdiction / Recognition and Enforcement
8	Civil Partnership Act 2004				
		s.216(6)	Treaty of Lisbon (Changes in Terminology) Order 2011/1043, Part 2, Art. 6(1)(f)	Nothing in this section prevents the exercise of any enforceable EU right.	Miscellaneous
		s.219(1)		(1) The Lord Chancellor may by regulations make provision— (a) as to the jurisdiction of courts in England and Wales ... in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in cases where a civil partner— (i) is or has been habitually resident in a member State, (ii) is a national of a member State, or (iii) is domiciled in a part of the United Kingdom or of the Republic of Ireland; and (b) as to the recognition in England and Wales ... of any judgment of a court of another member State which orders the dissolution or annulment of a civil partnership or the legal separation of the civil partners.	Jurisdiction and Recognition
		s.219(3)		The regulations may in particular make provision corresponding to that made by Council Regulation (EC) No 2201/2003 of 27th November 2003 in relation to jurisdiction and the recognition and enforcement of judgments in matrimonial matters.	Jurisdiction
		s.219(4)		(4) The regulations may provide that for the purposes of this Part and the regulations “member State” means— (a) all member States with the exception of such member States as are specified in the regulations; or (b) such member States as are specified in the regulations.	Jurisdiction
		s.219(5)		(5) The regulations may make provision under subsections (1)(b), (1A)(b) and (2)(b) which applies even if the date of the dissolution, annulment or legal separation is earlier than the date on which this section comes into force.	Jurisdiction
		s.219(6)		(6) Regulations under subsection (1) are to be made by statutory instrument and may only be made if a draft has been laid before and approved by resolution of each House of Parliament.	Jurisdiction
		s.219(8)		(8) In this Part “section 219 regulations” means regulations made under this section.	Jurisdiction
		s.221(1)		(1) The court has jurisdiction to entertain proceedings for a dissolution order or a separation order if (and only if)— (a) the court has jurisdiction under section 219 regulations, (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner is domiciled in England and Wales on the date when the proceedings are begun, or (c) the following conditions are met— (i) the two people concerned registered as civil partners of each other in England or Wales, (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.	Jurisdiction
		s.221(2)		(2) The court has jurisdiction to entertain proceedings for a nullity order if (and only if)— (a) the court has jurisdiction under section 219 regulations, (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner— (i) is domiciled in England and Wales on the date when the proceedings are begun, or (ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or (c) the following conditions are met— (i) the two people concerned registered as civil partners of each other in England or Wales, (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.	Jurisdiction
		s.221(3)		(3) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of subsection (1) or (2) (or this subsection), the court also has jurisdiction to entertain other proceedings, in respect of the same civil partnership, for a dissolution, separation or nullity order, even though that jurisdiction would not be exercisable under subsection (1) or (2).	Jurisdiction
		s.234(2)		(2) This section and sections 235 to 237 do not apply to an overseas dissolution, annulment or legal separation as regards which provision as to recognition is made by section 219 regulations.	Recognition
		s.260	Treaty of Lisbon (Changes in Terminology) Order 2011/1043, Part 2, Art. 6(1)(e)		Miscellaneous
		Sch 5, Part 9, para 39 (2) and para 39(5)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 16(3)	In Schedule 5, in Part 9 (failure to maintain: financial provision (and interim orders)), in paragraph 39— (a) in sub-paragraph (2) for the words from “unless” to the end substitute “unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”; (b) after sub-paragraph (4) insert— “(5) In this paragraph, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.	Maintenance / Jurisdiction
		Sch 5, Part 13, para 69 (1A) and para 69(7)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 16(4)	In Schedule 5, in Part 13 (consent orders and maintenance agreements), in paragraph 69—(a) in sub-paragraph (1) at the beginning insert “Subject to sub-paragraph (1A).”; (b) after that sub-paragraph, insert— “(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011— (a) the requirement as to domicile or residence in sub-paragraph (1)(b) does not apply to the application or that part of it, but (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”; (c) after sub-paragraph (6) insert— “(7) In this paragraph, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.	Maintenance / Jurisdiction This paragraph deals with alteration of agreements by the court during the lives of the parties.

		Sch 6, Part 8, para 47 (1A) and para 47(5)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 16(5)	In Schedule 6, in Part 8 (financial relief in magistrates' courts: supplementary), in paragraph 47 1— (a) in sub-paragraph (1), after "Subject to" insert "sub-paragraph (1A) and to"; (b) after that sub-paragraph insert— "(1A) If an application or part of an application for an order under this Schedule relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, a magistrates' court may not entertain that application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule."; (c) after sub-paragraph (4) insert— "(5) In this paragraph "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark."	Jurisdiction (in relation to applications for financial relief).
		Sch 7, Part 1, paras 7 and 8	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 16(5)	In Schedule 7, in Part 1 (financial relief in England and Wales after overseas dissolution etc of a civil partnership)— (a) in paragraph 7— (i) in sub-paragraph (1), at the beginning insert "Subject to sub-paragraph (6)"; (ii) after sub-paragraph (5) insert— "(6) If an application or part of an application relates to a matter where jurisdiction falls to be determined by the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it. (7) In sub-paragraph (6) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark."; (b) in paragraph 8— (i) in sub-paragraph (2), at the beginning insert "Subject to sub-paragraph (4)"; (ii) after sub-paragraph (3) insert— "(4) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in sub-paragraph (2) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule. (5) In sub-paragraph (4) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark."	Jurisdiction
		Sch 11, Part 2, para 2 (1)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484 Sch.7 para.16(7)(a)	(7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2 2— (a) in sub-paragraph (1) for "sub-paragraph (4)" substitute "sub-paragraphs (3A) and (4)";	Jurisdiction
		Sch 11, Part 2, para 2 (3A)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484 Sch.7 para.16(7)(b)	(7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2 2— ... (b) after sub-paragraph (3) insert— "(3A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011— (a) those requirements are to be satisfied in respect of the application, or that part of it, instead of the requirements set out in sub-paragraph (2), and (b) the condition mentioned in sub-paragraph (3)(c) does not apply."	Jurisdiction
		Sch 11, Part 2, para 2 (4)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, s.18(1) and s.18(2)	In paragraph 2(4), after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)".	Jurisdiction
		Sch 11, Part 2, para 2 (4)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484 Sch.7 para.16(7)(c)	(7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2 2— ... (c) in sub-paragraph (4) the words from "or by virtue of Council Regulation" to "p 62)" are repealed;	Jurisdiction
		Sch 11, Part 2, para 2 (5)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484 Sch.7 para.16(7)(d)	(7) In Schedule 11, in Part 2 (circumstances in which the court may entertain application for financial provision), in paragraph 2 2— ... (c) after that sub-paragraph insert— "(5) In this paragraph "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark."	Jurisdiction
9	Companies Act 1989				
		s.183(3)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 3, para 21	In section 183 of the Companies Act 1989 (insolvency proceedings in other jurisdictions), in subsection (3) after "the Civil Jurisdiction and Judgments Act 1982" insert "or Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters".	Jurisdiction
		s.183(3)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, para 15	(1) Section 183 of the Companies Act 1989 (insolvency proceedings in other jurisdictions) is amended in accordance with this paragraph. (2) In subsection (3), after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)".	Jurisdiction
		s.183(3)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 2	For the words from "Council Regulation" to the end substitute "Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4)".	Jurisdiction
10	Defamation Act 2013				
		s.9	All of section 9 is relevant		Jurisdiction
		s.9(5)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 7	In the definition of "the Brussels Regulation", for the words from "Council Regulation" to the end substitute "Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4)".	Jurisdiction
11	Domicile and Matrimonial Proceedings Act 1973				
		s.5(1)(c)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3(2)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3 (2) subsequently revoked by European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 22(a)	Jurisdiction
		s.5(1A)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3(3)	After subsection (1) insert the following subsection— "(1A) In this Part of this Act— "the Council Regulation" means Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses; "Contracting State" means— (a) one of the original parties to the Council Regulation, that is to say Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom; and (b) a party which has subsequently adopted the Council Regulation; and "the court" means the High Court and a divorce county court within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984."	Jurisdiction
		s.5(1A)	European Communities (Jurisdiction and Judgments in the Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 3(2)	In subsection (1A), for the definition of "the Council Regulation", substitute— ""the Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;"	Jurisdiction
		s.5(1A)(a)	European Communities (Jurisdiction and Judgments in the Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 3(3)	In that subsection, in the definition of "Contracting State", for paragraph (a) substitute— "(a) a party to the Council Regulation, that is to say, Belgium, Cyprus, Czech Republic, Germany, Greece, Spain, Estonia, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Poland, Portugal, Slovakia, Slovenia, Finland, Sweden and the United Kingdom, and";	Jurisdiction
		s.5(2)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3(4)	For subsection (2) substitute— "(2) The court shall have jurisdiction to entertain proceedings for divorce or judicial separation if (and only if)—(a) the court has jurisdiction under the Council Regulation; or (b) no court of a Contracting State has jurisdiction under the Council Regulation and either of the parties to the marriage is domiciled in England and Wales on the date when the proceedings are begun."	Jurisdiction
		s.5(3)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3(5)	For subsection (3) substitute— "(3) The court shall have jurisdiction to entertain proceedings for nullity of marriage if (and only if)— (a) the court has jurisdiction under the Council Regulation; or (b) no court of a Contracting State has jurisdiction under the Council Regulation and either of the parties to the marriage—(i) is domiciled in England and Wales on the date when the proceedings are begun; or (ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of one year ending with the date of death."	Jurisdiction
		s.5(3A)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 3(6)	After subsection (3) insert— "(3A) Subsections (2) and (3) above do not give the court jurisdiction to entertain proceedings in contravention of Article 7 of the Council Regulation."	Jurisdiction
		s.5(3A)	European Communities (Jurisdiction and Judgments in the Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 3(4)	Omit subsection (3A)	Jurisdiction
		s.5(6A)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 3(5)	After subsection (6) insert— "(6A) Subsection (6) and Schedule 1, and any power as mentioned in subsection (6)(b), are subject to Article 19 of the Council Regulation."	Jurisdiction

		Sch 1A	Marriage (Same Sex Couples) Act 2013, Sch 4, Part 4, para 8	<p>Before Schedule 1 insert—</p> <p>"SCHEDULE A1 JURISDICTION IN RELATION TO MARRIAGE OF SAME SEX COUPLES</p> <p>1 Introduction</p> <p>This Schedule shall have effect, subject to section 6(3) and (4), with respect to the jurisdiction of the court to entertain any of the following proceedings in relation to a marriage of a same sex couple—</p> <p>(a) proceedings for divorce, judicial separation or nullity of marriage;</p> <p>(b) proceedings for an order which ends a marriage on the ground that one of the couple is dead; and</p> <p>(c) proceedings for a declaration of validity.</p> <p>2 Divorce, judicial separation or annulment</p> <p>(1) The court has jurisdiction to entertain proceedings for divorce or judicial separation if (and only if)—</p> <p>(a) the court has jurisdiction under regulations under paragraph 5,</p> <p>(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5 and either of the married same sex couple is domiciled in England and Wales on the date when the proceedings are begun, or</p> <p>(c) the following conditions are met—</p> <p>(i) the two people concerned married each other under the law of England and Wales,</p> <p>(ii) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5, and</p> <p>(iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.</p> <p>(2) The court has jurisdiction to entertain proceedings for nullity of marriage if (and only if)—</p> <p>(a) the court has jurisdiction under regulations under paragraph 5,</p> <p>(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5 and either of the married same sex couple—</p> <p>(i) is domiciled in England and Wales on the date when the proceedings are begun, or</p> <p>(ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or</p> <p>(c) the following conditions are met—</p> <p>(i) the two people concerned married each other under the law of England and Wales,</p> <p>(ii) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5, and</p> <p>(iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.</p> <p>(3) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of sub-paragraph (1) or (2) (or this sub-paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, judicial separation or nullity of marriage, even though that jurisdiction would not be exercisable under subsection (1) or (2).</p> <p>3 Presumption of death order</p> <p>The court has jurisdiction to entertain proceedings for an order which ends a marriage on the ground that one of the couple is dead on an application made by the other of the couple ("the applicant") if (and only if)—</p> <p>(a) at the time the application is made, the High Court does not have jurisdiction to entertain an application by the applicant under section 1 of the Presumption of Death Act 2013 for a declaration that the applicant's spouse is presumed to be dead, and</p> <p>(b) the two people concerned married each other under the law of England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.</p> <p>4 Declaration of validity</p> <p>The court has jurisdiction to entertain an application for a declaration of validity if (and only if)—</p> <p>(a) either of the parties to the marriage to which the application relates—</p> <p>(i) is domiciled in England and Wales on the date of the application,</p> <p>(ii) has been habitually resident in England and Wales throughout the period of 1 year ending with that date, or</p> <p>(iii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or</p> <p>(b) the two people concerned married each other under the law of England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.</p> <p>5 Power to make provision corresponding to EC Regulation 2201/2003</p> <p>(1) The Lord Chancellor may by regulations make provision—</p> <p>(a) as to the jurisdiction of courts in England and Wales in proceedings for the divorce of, or annulment of the marriage of, a same sex couple or for judicial separation of a married same sex couple where one of the couple—</p> <p>(i) is or has been habitually resident in a member State,</p> <p>(ii) is a national of a member State, or</p> <p>(iii) is domiciled in a part of the United Kingdom or the Republic of Ireland, and</p> <p>(b) as to the recognition in England and Wales of any judgment of a court of another member State which orders the divorce of, or annulment of a marriage of, a same sex couple or the judicial separation of a married same sex couple.</p> <p>(2) The regulations may in particular make provision corresponding to that made by Council Regulation (EC) No 2201/2003 of 27th November 2003 in relation to jurisdiction and the recognition and enforcement of judgments in matrimonial matters.</p> <p>(3) The regulations may provide that for the purposes of the regulations "member State" means—</p> <p>(a) all member States with the exception of such member States as are specified in the regulations, or</p> <p>(b) such member States as are specified in the regulations.</p> <p>(4) The regulations may make provision under sub-paragraph (1)(b) which applies even if the date of the divorce, annulment or judicial separation is earlier than the date on which this paragraph comes into force.</p> <p>(5) Regulations under this paragraph are to be made by statutory instrument.</p> <p>(6) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, each House of Parliament.</p> <p>6 Interpretation</p> <p>In this Schedule "declaration of validity" means—</p> <p>(a) a declaration as to the validity of a marriage,</p> <p>(b) a declaration as to the subsistence of a marriage, or</p> <p>(c) a declaration as to the validity of a divorce, annulment or judicial separation obtained outside England and Wales in respect of a marriage."</p>	Jurisdiction / Same sex marriage
		Sch 1, para 9(1)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 4	In paragraph 9(1) of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973, after "in any matrimonial proceedings" insert—, other than proceedings governed by the Council Regulation,;	Jurisdiction
12	Equality Act 2010				
		s.118	Cross-Border Mediation (EU Directive) Regulations 2011/1133, Part 3, Reg. 55	In section 118(1), at the beginning insert "Subject to section 140A".	Miscellaneous
				Note: Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015/1392, Part 3, para 7(2): "In section 118(1) (time limits) 1 for "section 140A" substitute "sections 140A and 140AA"."	Cross-border mediation
		s.123(1)	Cross-Border Mediation (EU Directive) Regulations 2011/1133, Part 3, Reg. 56	In section 123(1), at the beginning insert "Subject to section 140A".	Miscellaneous
				Note: Enterprise and Regulatory Reform Act 2013, Sch 2, para 43: "In section 123 (time limits: proceedings under section 120), in subsection (1), for "section 140A" substitute "sections 140A and 140B"."	Cross-border mediation
		s.129(3)	Cross-Border Mediation (EU Directive) Regulations 2011/1133, Part 3, Reg. 57	In section 129(3), after "second column", insert ", subject to section 140A".	Miscellaneous
				Note: Enterprise and Regulatory Reform Act 2013, Sch 2, para 44(a): "(a) in subsection (3), for "section 140A" substitute "sections 140A and 140B"."	Cross-border mediation

		s.140A	Cross-Border Mediation (EU Directive) Regulations 2011/1133, Part 3, Reg. 58	<p>After section 140, insert—</p> <p>“140A.— Extension of time limits because of mediation in certain cross-border disputes</p> <p>(1) In this section</p> <p>(a) “Mediation Directive” means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,</p> <p>(b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,</p> <p>(c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and</p> <p>(d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).</p> <p>(2) Subsection (3) applies where—</p> <p>(a) a time limit is set by section 118(1)(a), 118(2) or 129(3) in relation to the whole or part of a relevant dispute,</p> <p>(b) a mediation in relation to the relevant dispute starts before the time limit expires, and</p> <p>(c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.</p> <p>(3) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).</p> <p>(4) If a time limit mentioned in subsection (2)(a) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).</p> <p>(5) Subsection (6) applies where—</p> <p>(a) a time limit is set by section 123(1)(a) in relation to the whole or part of a relevant dispute,</p> <p>(b) a mediation in relation to the relevant dispute starts before the time limit expires, and</p> <p>(c) if not extended by this section the time limit would expire before the mediation ends or less than four weeks after it ends.</p> <p>(6) The time limit expires instead at the end of four weeks after the mediation ends (subject to subsection (7)).</p> <p>(7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).</p> <p>(8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.</p> <p>(9) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.</p> <p>(10) For the purposes of this section, a mediation ends on the date of the first of these to occur—</p> <p>(a) the parties reach an agreement in resolution of the relevant dispute,</p> <p>(b) a party completes the notification of the other parties that it has withdrawn from the mediation,</p> <p>(c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,</p> <p>(d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,</p> <p>(e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.</p> <p>(11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.</p> <p>(12) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.</p> <p>(13) Where a court or tribunal has power under section 118(1)(b) or 123(1)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this section.”</p>	Miscellaneous Cross-border mediation
13	Family Law Act 1986				
		s.2(1) and s.2(2)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 8(2)	<p>Substitute: “(1) A court in England and Wales shall not make a section 1(1)(a) order with respect to a child unless—</p> <p>(a) it has jurisdiction under the Council Regulation, or</p> <p>(b) the Council Regulation does not apply but—</p> <p>(i) the question of making the order arises in or in connection with matrimonial proceedings and the condition in section 2A of this Act is satisfied, or</p> <p>(ii) the condition in section 3 of this Act is satisfied.”</p>	Jurisdiction
		s.2(1)(a)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Sch 1, para (5)(a)	After “the Council Regulation” insert “or the Hague Convention”.	Jurisdiction
		s.2(1)(b)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Sch 1, para (5)(b)	For “the Council Regulation does not apply” substitute “neither the Council Regulation nor the Hague Convention applies”.	Jurisdiction
		s.2(2C)	Children and Families Act 2014, s.9(6)	<p>(6) In section 2 of that Act (jurisdiction of courts in England and Wales to make Part 1 orders: pre-conditions) after subsection (2B) insert—</p> <p>“(2C) A court in England and Wales shall not have jurisdiction to make an order under section 51A of the Adoption and Children Act 2002 unless—</p> <p>(a) it has jurisdiction under the Council Regulation or the Hague Convention, or</p> <p>(b) neither the Council Regulation nor the Hague Convention applies but the condition in section 3 of this Act is satisfied.”</p>	Jurisdiction / Adoption
		s.2(3)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 8(3)	<p>Substitute: “(3) A court in England and Wales shall not make a section 1(1)(d) order unless—</p> <p>(a) it has jurisdiction under the Council Regulation, or</p> <p>(b) the Council Regulation does not apply but—</p> <p>(i) the condition in section 3 of this Act is satisfied, or</p> <p>(ii) the child concerned is present in England and Wales on the relevant date and the court considers that the immediate exercise of its powers is necessary for his protection.”</p>	Jurisdiction
		s.2(3)(a)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Sch 1, para (5)(c)	After “the Council Regulation” insert “or the Hague Convention”.	Jurisdiction
		s.2(3)(b)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Sch 1, para (5)(d)	For “the Council Regulation does not apply” substitute “neither the Council Regulation nor the Hague Convention applies”.	Jurisdiction
		s.2A(4)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 9	“for— (a) “in or in connection with matrimonial proceedings”, and (b) “in or in connection with those proceedings”, substitute “by virtue of section 2(1)(b)(i) of this Act”.	Jurisdiction
		s.3(1)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 10	“for “section 2(2)” substitute “section 2(1)(b)(ii)”	Jurisdiction
		s.5(2)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(2)	Omit “other than proceedings governed by the Council Regulation,”	Jurisdiction
		s.5(2)(b)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(3)	At the end of paragraph (b) of that subsection insert “or”	Jurisdiction
		s.5(2)(c)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(3)	Insert “(c) that it should exercise its powers under Article 15 of the Council Regulation (transfer to a court better placed to hear the case).”	Jurisdiction
		s.5(2)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(4)	At the end of that subsection insert “or (as the case may be) exercise its powers under Article 15	Jurisdiction
		s.5(2)(a)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg.17(6)(1)(a)	After paragraph (a) leave out “or”.	Jurisdiction
		s.5(2)(b)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(6)(1)(b)	After paragraph (b) leave out “or”.	Jurisdiction
		s.5(2)(c)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(6)(1)(c)	After paragraph (c) insert “, or” and insert“(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction),” and after “Article 15” in the words following paragraph (c), insert “of the Council Regulation or Article 8 of the Hague Convention”.	Jurisdiction
		s.5(3)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(5)	for “in accordance with subsection (2) above” substitute “by virtue of subsection (2)(a) or (b) above”	Jurisdiction
		s.5(3A)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(6)	Insert: “(3A) The court may remove a stay granted under Article 15 of the Council Regulation only in accordance with that Article.”	Jurisdiction
		s.5(3AA) inserted	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(6)(2)	Insert—“(3AA) The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—(a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or(b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.”	Jurisdiction
		s.5(3B)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(6)(3)	For “or (3A)” substitute “, (3A) or (3AA)”.	Jurisdiction
		s.5(4)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 11(7)	after “Nothing in this section” insert “so far as it relates to proceedings not governed by the Council Regulation”	Jurisdiction
		s.42(1)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 16	In section 42 (general interpretation of Part 1), in subsection (1), for the definition of “the Council Regulation” substitute— “the Council Regulation” means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.”	Jurisdiction
		s.42(1)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Sch 1, para (9)	In section 42(1) (interpretation), after the definition of “the Council Regulation” insert— “the Hague Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996.”	Jurisdiction

		s.45(1)	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001/310, Reg. 9	In section 45 of the Family Law Act 1986— (a) for "Subject", substitute "(1) Subject to subsection (2) of this section and"; and (b) at the end, insert— (2) Subsection (1) and the following provisions of this Part do not apply to an overseas divorce, annulment or legal separation as regards which provision as to recognition is made by Articles 14 to 20 of the Council Regulation."	Recognition
		s.45(2)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 17	In section 45 (recognition in the United Kingdom of overseas divorces, annulments and legal separations), in subsection (2), for "Articles 14 to 20" substitute "Articles 21 to 27, 41(1) and 42 (1)".	Recognition
		s.54(1)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 18	for the definition of "the Council Regulation" substitute—"The Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;"	Recognition
14	Female Genital Mutilation Act 2003				
		s.4A	Serious Crime Act 2015, s.71(1)	(1) After section 4 of the Female Genital Mutilation Act 2003 insert— "4A. Anonymity of victims Schedule 1 provides for the anonymity of persons against whom a female genital mutilation offence (as defined in that Schedule) is alleged to have been committed."	Miscellaneous
		Sch 1	Serious Crime Act 2015, s.71(2)	(2) Insert as Schedule 1 to that Act the following Schedule— "SCHEDULE 1 ANONYMITY OF VICTIMS Prohibition on the identification of victims in publications 1. (1) This paragraph applies where an allegation has been made that a female genital mutilation offence has been committed against a person. (2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person's lifetime. (3) For the purposes of this Schedule, any consent of the person to an act giving rise to the alleged offence is not to be taken as preventing that person from being regarded as a person against whom the alleged offence was committed. (4) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all in England and Wales and Northern Ireland, or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met. (5) The first condition is that the conduct of a person's defence at a trial of a female genital mutilation offence would be substantially prejudiced if the direction was not given. (6) The second condition is that— (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and (b) it is in the public interest to remove or relax the restriction. (7) A direction under sub-paragraph (4) does not affect the operation of sub-paragraph (2) at any time before the direction is given. (8) In this paragraph "the court" means— (a) in England and Wales, a magistrates' court or the Crown Court; (b) in Northern Ireland, a magistrates' court, a county court or the Crown Court. Penalty for breaching prohibition imposed by paragraph 1(2) 2.— (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence. (2) A person guilty of an offence under this paragraph is liable— (a) on summary conviction in England and Wales, to a fine; (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale. (3) The persons responsible for a publication are as follows— Type of publication / Persons responsible Newspaper or other periodical / Any person who is a proprietor, editor or publisher of the newspaper or periodical. Relevant programme / Any person who— (a) is a body corporate engaged in providing the programme service in which the programme is included, or (b) has functions in relation to the programme corresponding to those of an editor of a newspaper. Any other kind of publication / Any person who publishes the publication. (4) If an offence under this paragraph is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of— (a) a senior officer of a body corporate, or (b) a person purporting to act in such a capacity, the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly. (5) "Senior officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate; and for this purpose "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate. (6) Proceedings for an offence under this paragraph— (a) if alleged to have been committed in England and Wales, may not be instituted except by, or with the consent of, the Attorney General; (b) if alleged to have been committed in Northern Ireland, may not be instituted except by, or with the consent of, the Director of Public Prosecutions for Northern Ireland. Offence under paragraph 2: defences 3.— (1) This paragraph applies where a person ("the defendant") is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication. (2) It is a defence for the defendant to prove that at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that— (a) the publication included the matter in question, or (b) the allegation in question had been made. (3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description. (4) The defence in sub-paragraph (3) is not available if— (a) the victim was under the age of 16 at the time when her consent was given, or (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining her consent. (5) In this paragraph "the victim" means the person against whom the female genital mutilation offence in question is alleged to have been committed. Special rules for providers of information society services 4.— (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in England and Wales or Northern Ireland). (2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in England and Wales or Northern Ireland. (3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8. 5.— (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met. (2) The derogation condition is that taking proceedings— (a) is necessary for the purposes of the public interest objective, (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and (c) is proportionate to that objective. (3) "The public interest objective" means the pursuit of public policy. 6.— (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not— (a) initiate the transmission, (b) select the recipient of the transmission, or (c) select or modify the information contained in the transmission. (2) For the purposes of sub-paragraph (1)— (a) providing access to a communication network, and (b) transmitting information in a communication network, include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network. (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission. 7.— (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met. (2) The first condition is that the storage of the information— (a) is automatic, intermediate and temporary, and (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request. (3) The second condition is that the service provider— (a) does not modify the information, (b) complies with any conditions attached to having access to the information, and (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it. (4) This sub-paragraph applies if the service provider obtains actual knowledge that— (a) the information at the initial source of the transmission has been removed from the network, (b) access to it has been disabled, or (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information. 8.— (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if— (a) the service provider had no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it. (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider. Interpretation	Miscellaneous
15	Human Fertilisation and Embryology Act 1990				

	s.1A	Human Fertilisation and Embryology Act 2008, s 1(1), (2), (3) (4) (5); Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 5; Human Fertilisation and Embryology (Quality and Safety) Regulations 2014/2884, reg 2; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, regs 2 and 3	In this Act-- the first Directive means Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells, the second Directive means Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells, as amended by Commission Directive 2012/39/EU, and the third Directive means Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells, as amended by Commission Directive 2015/565/EU, and the fourth Directive means Commission Directive 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells.	Miscellaneous
	s2(1)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 6; and Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 3	*competent authority*, in relation to an EEA state other than the United Kingdom or in relation to Gibraltar, means an authority designated in accordance with the law of that state or territory as responsible for implementing the requirements of the first, second and third and fourth Directives,	Miscellaneous
	s2(2B)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 6; and Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 3	In this Act, any reference to a requirement of a provision of the first, second or third or fourth Directive is a reference to a requirement which that provision requires to be imposed.	Miscellaneous
	s2(A)(1)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 7	(1) For the purposes of this Act, a "third party agreement" is an agreement in writing between a person who holds a licence and another person which is made in accordance with any licence conditions imposed by the Authority for the purpose of securing compliance with the requirements of Article 24 of the first Directive (relations between tissue establishments and third parties) and under which the other person-- (a) procures, tests or processes gametes or embryos (or both), on behalf of the holder of the licence, or (b) supplies to the holder of the licence any goods or services (including distribution services) which may affect the quality or safety of gametes or embryos.	Miscellaneous
	s2B(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 3	*Third country* means a country which is not an EEA state or Gibraltar.	Miscellaneous
	s82B(1)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(1) The Authority must allocate to each holder of a relevant licence, one or more unique numbers as the tissue establishment number or numbers in relation to that licence holder in accordance with Annex VII and paragraph 2(a) of Article 10b of the third Directive.	Miscellaneous
	s82B(2)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(2) Any number allocated under subsection (1) must be in the format specified in Annex VII.	Miscellaneous
	s82B(3)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(3) The Authority must, in relation to each holder of a relevant licence, arrange for the information specified in Annex VIII to be recorded in the EU Tissue Establishment Compendium.	Miscellaneous
	s82B(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(4) In relation to a person who becomes the holder of a relevant licence before 1st April 2018, the Authority must ensure that the information under subsection (3) is recorded before the end of the period of 10 working days beginning with that day.	Miscellaneous
	s82B(5)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(5) In relation to a person who becomes the holder of a relevant licence on or after 1st April 2018, the Authority must ensure that the information under subsection (3) is recorded before the end of the period of 10 working days beginning with the day on which the person becomes the holder of that licence.	Miscellaneous
	s82B(6)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(6) Subsection (7) applies if the Authority becomes aware that any information recorded under subsection (3) was incorrectly recorded or requires updating.	Miscellaneous
	s82B(7)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(7) The Authority must arrange for the information to be corrected or updated-- (a) in the case of a correction or update which the Authority considers to be a significant change to the information recorded under subsection (3), before the end of the period of 10 working days beginning with the day on which the Authority became aware that the information was incorrectly recorded or required updating; (b) in any other case, as soon as is reasonably practicable.	Miscellaneous
	s82B(8)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(8) Subsection (9) applies if the Authority becomes aware that-- (a) any information recorded in the EU Tissue Establishment Compendium in respect of a tissue establishment in a relevant state was incorrectly recorded or requires updating, or (b) a tissue establishment in a relevant state has not complied with the requirements of the laws or other measures adopted in that state for the purpose of implementing paragraph 1 of Article 10b of the third Directive and the non-compliance is significant.	Miscellaneous
	s82B(9)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(9) The Authority must inform the competent authority in the relevant state in question.	Miscellaneous
	s82B(10)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(10) If the Authority becomes aware that the information recorded in the EU Tissue and Cell Product Compendium requires updating, it must inform the European Commission and the competent authority in the relevant state.	Miscellaneous
	s82B(11)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(11) In this section-- Annex VII means Annex VII to the third Directive, Annex VIII means Annex VIII to the third Directive, EU Tissue and Cell Product Compendium and "EU Tissue Establishment Compendium" have the same meaning as in Article 2 of the third Directive, relevant licence means a licence granted under any of the following provisions of Schedule 2-- (a) paragraph 1, (b) paragraph 1A, (c) paragraph 2, so far as authorising the storage of gametes or embryos intended for human application, (d) paragraph 3, so far as authorising activities in connection with the derivation from embryos of stem cells that are intended for human application, relevant state means-- (a) an EEA state other than the United Kingdom, or (b) Gibraltar, working day means any day other than-- (a) a Saturday or Sunday, (b) Christmas Day or Good Friday, or (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.	Miscellaneous
	s8A	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 10	The Authority shall communicate to the competent authorities of EEA states other than the United Kingdom or of Gibraltar, and to the European Commission, such information in relation to serious adverse events and serious adverse reactions as is necessary for the purpose of enabling appropriate action to be taken, including where necessary the withdrawal from use of gametes and embryos that are intended for human application but are known or suspected to be unsuitable for such application.	Miscellaneous
	s8B(1)	Human Fertilisation and Embryology Act 2008, s8	(1) Arrangements may be made between the Authority and a government department, a public authority or the holder of a public office ("the other authority") for-- (a) any functions of the Authority to be exercised by, or by members of the staff of, the other authority, or (b) the provision by the other authority of administrative, professional or technical services to the Authority.	Miscellaneous
	s8B(2)	Human Fertilisation and Embryology Act 2008, s8	(2) Arrangements under subsection (1)(a) do not affect responsibility for the carrying-out of the Authority's functions.	Miscellaneous
	s8B(3)	Human Fertilisation and Embryology Act 2008, s8	(3) Subsection (1)(a) does not apply to any function of making subordinate legislation (within the meaning of the Interpretation Act 1978).	Miscellaneous
	s14A(3)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 17	(3) In relation to any gametes or embryos imported into the United Kingdom from an EEA state other than the United Kingdom or from Gibraltar, compliance with the requirements of the laws or other measures adopted in the relevant state or territory for the purpose of implementing the first, second and third Directives shall be taken to be compliance with the conditions required by Schedule 3A.	Miscellaneous
	s14A(4)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 17	(4) Subsection (3) shall not apply to any licence conditions imposed by the Authority which amount to more stringent protective measures for the purposes of Article 4(2) of the first Directive.	Miscellaneous
	s15A(3)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 18	(3) If the Authority receives a request from a competent authority in an EEA state other than the United Kingdom or in Gibraltar to carry out an inspection in relation to a serious adverse event or serious adverse reaction, the Authority must arrange for such an inspection to be carried out, for a report to be made of the inspection and for appropriate control measures to be taken.	Miscellaneous
	s15B(1)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(1) This section applies where-- (a) qualifying gametes or embryos are imported into the United Kingdom from a third country by an importing licensee, (b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and (c) the competent authority in that state or in Gibraltar requests the Authority to carry out any of the following activities-- (i) arranging for an inspection of any third country premises to be carried out on behalf of the Authority, (ii) arranging for an inspection of any relevant documents held by a third country supplier to be carried out on behalf of the Authority, (iii) exercising the Authority's powers under section 18(2) to revoke a licence held by an importing licensee, (iv) exercising the Authority's powers under section 18A(3) to vary a licence held by an importing licensee, (v) exercising the Authority's powers under section 19C(1) to suspend a licence held by an importing licensee, and (vi) other appropriate control measures.	Miscellaneous
	s15B(2)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(2) The Authority must carry out the activity in question in subsection (1)(c), unless it considers that it would be inappropriate to do so in the particular circumstances of the case.	Miscellaneous
	s15B(3)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(3) Before an inspection of any premises is carried out in pursuance of subsection (2), the Authority must-- (a) make arrangements with the competent authority which made the request under subsection (1) for it to participate in the inspection, or (b) notify the competent authority which made the request under subsection (1) that the Authority has decided that it is not appropriate for it to participate in the inspection and give reasons for that decision.	Miscellaneous

	s15B(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4) For the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act, the Authority may arrange for either or both of the following to be carried out on its behalf-- (a) an inspection of any third country premises; (b) an inspection of any relevant documents held by a third country supplier.	
	s15B(5)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(5) The Authority may arrange for a report to be made on any inspection carried out in pursuance of subsection (2) or (4).	
	s15B(6)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(6) Any inspection carried out on behalf of the Authority in pursuance of subsection (2) or (4) must be carried out by a person authorised by the Authority to act for the purposes of this section.	Miscellaneous
	s15C(1)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(1) This section applies where the European Commission or a competent authority in an EEA state other than the United Kingdom or in Gibraltar requests the Authority to provide it with-- (a) a copy of a report or information on any inspection of third country premises or relevant documents carried out in pursuance of section 15B(2) or (5); (b) information on any exercise of the Authority's powers under section 18(2), 18A(3) or 19C(1) in relation to a licence held by an importing licensee (whether in pursuance of section 15B(2) or otherwise); or (c) information on any appropriate control measures carried out by the Authority (whether in pursuance of section 15B(2) or otherwise).	Miscellaneous
	s15C(2)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(2) The Authority must provide the report or information in question to the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.	Miscellaneous
	s24(4)	Human Fertilisation and Embryology Act 2008, s22.	(4) Directions may authorise any person to whom a licence applies to receive gametes embryos or human admixed embryos from outside the United Kingdom or to send gametes, embryos or human admixed embryos outside the United Kingdom in such circumstances and subject to such conditions as may be specified in the directions, and directions made by virtue of this subsection may provide for sections 12 to 14 of this Act to have effect with such modifications as may be specified in the directions.	Miscellaneous
	s24(4A)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 22; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4A) In giving any directions under subsection (4) authorising any person to whom a licence applies to import into the United Kingdom from a country which is not an EEA state, or to export from the United Kingdom to such a country export from the United Kingdom to a third country, gametes or embryos intended for human application, the Authority shall-- (a) include directions specifying the measures that persons to whom a licence applies shall take to ensure that all such imports or exports meet standards of quality and safety equivalent to those laid down in this Act; and (b) have regard to ensuring traceability.	Miscellaneous
	s24(4AA)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AA) Directions must, in accordance with paragraph 1 of Schedule 3AA, specify requirements with which any person to whom a licence applies who proposes to make qualifying imports (other than a one-off import) must comply before the Authority gives any directions under subsection (4) authorising the person to make qualifying imports.	Miscellaneous
	s24(4AB)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AB) Directions must, in accordance with paragraph 2 of Schedule 3AA, specify requirements with which any person to whom a licence applies who proposes to make a qualifying import which is a one-off import must comply before the Authority gives any directions under subsection (4) authorising the person to make the import.	Miscellaneous
	s24(4AC)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AC) In giving any directions under subsection (4) authorising any person to whom a licence applies to make any qualifying imports, the Authority must include the directions specified in paragraph 3 of Schedule 3AA.	Miscellaneous
	s24(4AD)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AD) Where the Authority gives any directions under subsection (4) authorising any person to whom a licence applies to make any qualifying imports, it must provide that person with a certificate in the form set out in Annex II to the fourth Directive.	Miscellaneous
	s24(4AE)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AE) In subsections (4AA) and (4AB) a reference to a one-off import, in relation to gametes or embryos, is to gametes or embryos imported for the purposes of providing services to a particular person or persons on one occasion only.	Miscellaneous
	s24(4AF)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4AF) In subsections (4AA) to (4AD) and Schedule 3AA "qualifying import" means the import into the United Kingdom from a third country of gametes or embryos intended for human application.	Miscellaneous
	s24(12)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 22	<i>Directions may require a unique code to be assigned to each donation of gametes and embryos intended for human application received pursuant to a licence.</i>	Miscellaneous
	s24(12)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 22; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(12) Directions must specify the systems to be adopted for the identification of gametes and embryos intended for human application which the Authority considers appropriate to secure compliance with the requirements of -- (a) paragraph 1 of Article 25 of the first Directive (coding of information), (b) paragraph 1 of Article 10 of the third Directive (European coding system), subject to any exemption specified in the directions in accordance with paragraph 3 of that Article, (c) Article 10a of the third Directive (format of the Single European Code), and (d) paragraph 1(a) to (f) and (h) of Article 10b of the third Directive (requirements related to the application of the Single European Code).	Miscellaneous
	s24(12A)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	(12A) Directions must require information to be provided to the Authority which the Authority considers appropriate to secure compliance with the requirements of paragraph 1(g) of Article 10b of the third Directive (European coding system).	Miscellaneous
	s24(14)	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3 and 22	(14) In this section, "tissue establishment" has the meaning given by Article 3(o) of the first Directive.	Miscellaneous
	s47	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 28; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	First Directive Fourth Directive Second Directive Third country Third Directive Section 1A Section 1A Section 1A Section 2B Section 1A	Miscellaneous
	Schedule 3A 14A, 1	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	Licence conditions shall require that all persons to whom a licence applies adopt such systems as the Authority considers appropriate to secure-- (a) in relation to traceability, compliance with the requirements of Article 8 (traceability) of the first Directive and Article 9 (traceability) of the third Directive; and (b) in relation to the coding of information, compliance with the requirements of Article 25 (coding of information) of the first Directive and Article 10 (European coding system) of the third Directive.	Miscellaneous
	Schedule 3A, 1	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	Licence conditions shall require that all persons to whom a licence applies adopt such systems as the Authority considers appropriate to secure compliance with the requirements of Article 8 of the first Directive (traceability) and Article 9 of the third Directive (traceability).	Miscellaneous
	Schedule 3A, 2	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30; Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 4	Licence conditions imposed in accordance with paragraph 1 may specify the coding system which must be applied in relation to gametes and embryos intended for human application. Serious adverse events and serious adverse reactions	Miscellaneous
	Schedule 3A, 3	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	Licence conditions shall require such-- (a) systems to report, investigate, register and transmit information about serious adverse events and serious adverse reactions; and (b) accurate, rapid and verifiable procedures for recalling from distribution any product which may be related to a serious adverse event or serious adverse reaction. to be in place as are necessary to secure compliance with the requirements of Article 11 (notification of serious adverse events and reactions) of the first Directive and Article 5 (notification of serious adverse reactions) and Article 6 (notification of serious adverse events) of the third Directive.	Miscellaneous
	Schedule 3A, 4	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	For the purpose of securing compliance with the requirements of Articles 21(5) (tissue and cell storage conditions) and 24 (relations between tissue establishments and third parties) of the first Directive, licence conditions shall specify the requirements that must be met in relation to the termination of storage activities authorised by the licence and in relation to third party agreements.	Miscellaneous
	Schedule 3A, 5	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	Licence conditions shall require all persons to whom a licence applies who are authorised to procure gametes or embryos, or both, to comply with the requirements (including as to staff training, written agreements with staff, standard operating procedures, and appropriate facilities and equipment) laid down in Article 2 (requirements for the procurement of human tissues and cells) of the second Directive.	Miscellaneous
	Schedule 3A, 6	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	In relation to partner-donated sperm which is not intended to be used without processing or storage, licence conditions shall require compliance with the selection criteria for donors and the requirements for laboratory tests laid down in section 2 (partner donation (not direct use)) of Annex III (selection criteria and laboratory tests required for donors of reproductive cells) to the second Directive.	Miscellaneous
	Schedule 3A, 7	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	In relation to donations of gametes or embryos other than partner-donated sperm or partner-created embryo-os, licence conditions shall require compliance with the selection criteria for donors and the requirements for laboratory tests laid down in section 3 (donations other than by partners) of Annex III to the second Directive.	Miscellaneous
	Schedule 3A, 8	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	Licence conditions shall require that the laboratory tests required by sections 2 and 3 of Annex III to the second Directive for the purpose of selecting gametes or embryos for donation, meet the requirements of section 4 (general requirements to be met for determining biological markers) of Annex III to the second Directive.	Miscellaneous

		Schedule 3A, 9	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	<p>In relation to--</p> <p>(a) donation and procurement procedures, and</p> <p>(b) the reception of gametes and embryos at the premises to which a licence relates or at relevant third party premises,</p> <p>licence conditions shall require compliance with the requirements of Article 15(3) (selection, evaluation and procurement) and Article 19(4) to (6) (tissue and cell reception) of the first Directive and with the requirements laid down in the provisions of the second Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.</p> <p>Relevant provisions of the second Directive</p> <p>1 Donation and procurement procedures</p> <p>Consent and donor identification (record of consent, method of identification, donor interview)</p> <p>Annex IV, point 1.1</p> <p>Donor evaluation: other than partner-donated sperm and part-ner-created embryos and autologous donors (assessment of do-nor's medical and behavioural information)</p> <p>Annex IV, point 1.2</p> <p>Procurement procedures for gametes and embryos (requirements relating to procurement procedures and instruments)</p> <p>Annex IV, point 1.3</p> <p>Donor documentation (record of donor and the procurement)</p> <p>Annex IV, point 1.4</p> <p>Packaging (requirements as to packaging and shipping containers)</p> <p>Annex IV, point 1.5</p> <p>Labelling of the procured gametes and embryos (minimum labelling requirements)</p> <p>Annex IV, point 1.6</p> <p>Labelling of the shipping container (minimum labelling requirements)</p> <p>Annex IV, point 1.7</p> <p>2 Reception of tissues and cells at the tissue establishment</p> <p>Verification upon arrival (procedures for verification and requirement for quarantine until verification)</p> <p>Annex IV, point 2.1 to 2.3</p> <p>Registration of data (other than in respect of partner-donated sperm and partner-created embryos)</p> <p>Annex IV, point 2.4</p> <p>Registration of data (partner-donated sperm and partner-created embryos)</p> <p>Annex IV, point 2.5</p>	Miscellaneous
		Schedule 3A, 10	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	<p>Licence conditions shall require compliance with the requirements laid down in the provisions of the third Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.</p> <p>Relevant provisions of the third Directives</p> <p>Relevant provisions of the third Directive</p> <p>Organisation and management (requirements as to organisational structure, management systems, and third party agreements)</p> <p>Annex I, Part A</p> <p>Personnel (number, competence, responsibilities and training)</p> <p>Annex I, Part B</p> <p>Equipment and materials (appropriate for use, validation, maintenance, and specifications)</p> <p>Annex I, Part C</p> <p>Facilities and premises (suitability, environment, storage, and maintenance)</p> <p>Annex I, Part D</p> <p>Documentation and records (standard operating procedures, document control, record reliability)</p> <p>Annex I, Part E</p> <p>Quality review (quality management system, investigations, corrective action, and reviews)</p> <p>Annex I, Part F</p>	Miscellaneous
		Schedule 3A, 11	Human Fertilisation and Embryology (Quality and Safety) Regulations 2007/1522, regs 3, 30	<p>In respect of gametes and embryos preparation processes, licence conditions shall require compliance with--</p> <p>(a) the requirements of Article 20(2) and (3) (tissue and cell processing) and Article 21(2) to (4) of the first Directive, and</p> <p>(b) the requirements laid down in the provisions of the third Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.</p> <p>Reception of gametes and embryos at the tissue establishment</p> <p>Annex II, Part A</p> <p>Processing of gametes and embryos (validation, documentation and evaluation of critical procedures)</p> <p>Annex II, Part B</p> <p>Storage and release of gametes and embryos (criteria to be complied with, including standard operating procedure)</p> <p>Annex II, Part C</p> <p>Distribution and recall of gametes and embryos (criteria to be complied with, including procedures to be adopted)</p> <p>Annex II, Part D</p> <p>Final labelling of gametes and embryo containers for distribution (information to be shown on container label or in accompanying documentation)</p> <p>Annex II, Part E</p> <p>External labelling of the shipping container (information to be shown on label on shipping container)</p> <p>Annex II, Part F</p>	Miscellaneous
		Schedule 3AA, 1	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>A direction given under section 24(4AA) must require the person to whom the licence applies to--</p> <p>(a) comply with measures specified in the direction for the purposes of ensuring that any qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act,</p> <p>(b) provide the Authority with any information specified in the direction for the purposes of securing compliance with the requirements of Parts A to E of Annex I to the fourth Directive (information to be provided by importing tissue establishments),</p> <p>(c) provide the Authority with any documents specified in the direction for the purposes of securing compliance with the requirements of Part F of Annex I to the fourth Directive (documentation to be provided by importing tissue establishments),</p> <p>(d) do the following--</p> <p>(i) make available for inspection any documents specified in the direction for the purposes of securing compliance with the requirements of Parts A and B of Annex III to the fourth Directive (availability and provision of documentation) and,</p> <p>(ii) if requested by the Authority, provide the Authority with any such documents,</p> <p>(e) enter into a written agreement with any proposed third country supplier which complies with the requirements specified in the direction for the purposes of securing compliance with the requirements of Article 7(2) and (3) of the fourth Directive (written agreements), and</p> <p>(f) provide the Authority with a copy of the written agreement mentioned in sub-paragraph (e).</p>	Miscellaneous
			Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>A direction given under section 24(4AB) must require the person to whom the licence applies to--</p> <p>(a) comply with measures specified in the direction for the purposes of ensuring that any qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act,</p> <p>(b) provide the Authority with any information specified in the direction for the purposes of securing compliance with the requirements of Parts A to E of Annex I to the fourth Directive (information to be provided by importing tissue establishments), and</p> <p>(c) provide the Authority with any information or documents specified in the direction for the purposes of securing compliance with the requirements of Articles 5(2) and 7(1) of the fourth Directive (requirements in relation to one-off imports).</p>	Miscellaneous
		Schedule 3AA, 2	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>The following requirements must be specified in directions under section 24(4) authorising any person to whom a licence applies to make any qualifying imports--</p> <p>(a) a requirement that the person must not make any substantial changes in connection with any qualifying imports made by the person unless the Authority approves those changes in writing,</p> <p>(b) a requirement that the person must notify the Authority if the person ceases to make qualifying imports,</p> <p>(c) a requirement that the person must--</p> <p>(i) notify the Authority of any serious adverse events or serious adverse reactions notified to the person by the person's third country supplier (including events or reactions which that supplier suspects are serious adverse events or reactions), and</p> <p>(ii) provide any information specified in the direction which the Authority requires for the purposes of securing compliance with the requirements of Article 6(2) of the fourth Directive (updated information), and</p> <p>(d) a requirement that the person must notify the Authority of any changes in circumstances of the person's third country supplier of which the person is aware.</p>	Miscellaneous
		Schedule 3AA, 3	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>In this Schedule--</p> <p>changes of circumstances means any changes in circumstances of the description specified in the direction in question in accordance with the provision made in Article 6(3) of the fourth Directive (notification of revocation of third country's authorisation),</p> <p>substantial changes means changes of the description specified in the direction in question in accordance with the provision as to the meaning of substantial changes made in Article 3(3) of the fourth Directive (requirements where substantial changes made to import activities).</p>	Miscellaneous
		Schedule 3AA, 4			Miscellaneous
		Schedule 3B, 1A(1)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>(1) This paragraph applies where--</p> <p>(a) qualifying gametes or embryos are imported from a third country by an importing licensee,</p> <p>(b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and</p> <p>(c) the competent authority in that state or in Gibraltar requests the Authority to arrange for an inspection of any relevant documents held by an importing licensee to be carried out.</p>	Miscellaneous
		Schedule 3B, 1A(2)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>(2) The Authority must arrange for an inspection of the documents in question to be carried out by a duly authorised person, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.</p>	Miscellaneous
		Schedule 3B, 1A(3)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>(3) Where relevant documents are stored in any electronic form, a duly authorised person may require an importing licensee to make the documents available for inspection--</p> <p>(a) in a visible and legible form, or</p> <p>(b) in a form from which they can be readily produced in a visible and legible form.</p>	Miscellaneous
		Schedule 3B, 1A(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>(4) A duly authorised person may take copies of any relevant documents inspected in pursuance of a requirement under this paragraph.</p>	Miscellaneous
		Schedule 3B, 1A(5)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	<p>(5) In this paragraph "relevant document" means a document relevant for the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.</p>	Miscellaneous

		Schedule 3B, 4A(1)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(1) This paragraph applies where— (a) any activity governed by this Act is carried out in relation to qualifying gametes or embryos imported from a third country on any premises— (i) to which a licence held by an importing licensee relates, or (ii) which are relevant third party premises in relation to an importing licensee, (b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and (c) the competent authority in that state or in Gibraltar requests the Authority to arrange for an inspection of the premises to be carried out.	Miscellaneous
		Schedule 3B, 4A(2)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(2) The Authority must arrange for an inspection of the premises in question to be carried out under paragraph 3 by a duly authorised person, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.	Miscellaneous
		Schedule 3B, 4A(3)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(3) Before an inspection of any premises is carried out in pursuance of sub-paragraph (2) the Authority must— (a) make arrangements with the requesting authority for it to participate in the inspection, or (b) notify the requesting authority that the Authority has decided that it is not appropriate for the re-requesting authority to participate in the inspection and give reasons for that decision.	Miscellaneous
		Schedule 3B, 4A(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4) In this paragraph, "requesting authority" means the competent authority which made the request under sub-paragraph (1) for the Authority to arrange for the inspection to be carried out.	Miscellaneous
		Schedule 3B, 9(4)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(4) Sub-paragraph (5) applies if the European Commission or a competent authority in an EEA state other than the United Kingdom or in Gibraltar requests the Authority to provide it with a copy of a report or information on— (a) any inspection under paragraph 1 or 1A of records or documents, (b) any inspection under paragraph 2 where the person to whom an application for authorisation relates also seeks a direction under section 24(4) authorising that person to import qualifying gametes or embryos into the United Kingdom from a third country, or (c) any inspection under paragraph 3 of premises to which a licence held by an importing licensee re-lates or which are relevant third party premises in relation to an importing licensee.	Miscellaneous
		Schedule 3B 9(5)	Human Fertilisation and Embryology (Amendment) Regulations 2018/334, reg 5	(5) The Authority must give a copy of the report or information to the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.	Miscellaneous
16	Insolvency Act 1986				
		Note regarding whole Act		There are many EU law provisions in this Act, but principally relating to company law. This review is limited to the sections which appears in the Red Book index (s.281(5), s.310, s.335A, s.339, s.340, s.421, s.439(2) and Sch 14), as the criteria for being family law relevant. s.436 has been included as the relevant interpretation clause.	
		s.421(1A) and (1B)	Insolvency Amendment (EU 2015/848) Regulations 2017/702, Sch 1(1), para 27	In section 421 (insolvent estates of deceased persons) 1 in subsections (1A) and (1B) for "EC Regulation" substitute "EU Regulation".	Miscellaneous
		s.436	Insolvency Amendment (EU 2015/848) Regulations 2017/702, Sch 1(1), para 28(b)	In section 436 (expressions used generally) 1 in subsection (1)— (a) omit the definition of "the EC Regulation", and (b) at the appropriate place insert— "the EU Regulation" means Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings."	Miscellaneous
17	Legal Aid Sentencing and Punishment of Offenders Act 2012				
		Sch 1, Part 1, para 17	None	Paragraph deals with EU and international agreements concerning children including: (1) Civil legal services provided in relation to—(a) an application made to the Lord Chancellor under the 1980 European Convention on Child Custody for the recognition or enforcement in England and Wales of a decision relating to the custody of a child; (b) an application made to the Lord Chancellor under the 1980 Hague Convention in respect of a child who is, or is believed to be, in England and Wales; (c) the recognition or enforcement of a judgment in England and Wales in accordance with Article 21, 28, 41, 42 or 48 of the 2003 Brussels Regulation.	Recognition and Enforcement
		Sch 1, Part 1, para 18	None	Paragraph deals with EU and international agreements including: (a) the 1968 Brussels Convention; (b) the 1973 Hague Convention; (c) the 1988 Lugano Convention; (d) the 2000 Brussels Regulation; (e) the 2007 Lugano Convention.	Recognition and Enforcement
		Sch 1, Part 1, para 44	None	Paragraph deals with EU and cross border recognition	Recognition and Enforcement
18	Maintenance Orders Act 1950				
		s.15	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 1(2)	In section 15 (service of process), for subsection (1)(a)(vi), substitute—"vi) Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; or".	Jurisdiction
		s.22	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 1(3)(a) and (b)	In section 22 (discharge and variation of maintenance orders registered in summary or sheriff courts)— (a) in subsection (1), at the beginning insert "Subject to subsection (1ZA)."; (b) after that subsection insert— "(1ZA) the power under subsection (1) to vary the rate of payments may not be exercised where paragraph 9(2) of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 applies (restriction on modifying maintenance decision where creditor remains habitually resident in the part of the United Kingdom in which the decision was made).";	Recognition and Enforcement
19	Maintenance Orders Act 1958				
		s.1(1A)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 7, s. 2	(1) The Maintenance Orders Act 1958 is amended as follows. (2) Section 1 (application of Part 1) is amended as follows. (3) In subsection (1A) after "any order" insert ", decision, settlement or instrument". ---	Recognition and Enforcement
		s.1(1A)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 1(1) and 1(2)	(1) Section 1 of the Maintenance Orders Act 1958 is amended as follows. (2) In subsection (1A), after "settlement" insert ", arrangement". ---	Recognition and Enforcement
		s.1(4)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 1(1) and 1(3)	1.— Maintenance Orders Act 1958 (c.39) (1) Section 1 of the Maintenance Orders Act 1958 is amended as follows. (3) In subsection (4)— (a) for "court under" substitute "court under— (a) (b) for "1972 or" substitute "1972, (b) (c) for "1982 or" substitute "1982, (c) (d) after "at p 62" insert— "or (d) the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.".	Recognition and Enforcement
		s. 1(4) to 1(6) repealed	Crime and Courts Act 2013, Sch 10(2), para 4(6)	4 (1) Section 1 (application of Part 1) is amended as follows. (6) Omit subsections (4) to (6) (registration in magistrates' courts).	Recognition and Enforcement
20	Maintenance Orders (Facilities for Enforcement) Act 1920				
		s.3	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 1(2)	In section 3 (power to make provisional orders of maintenance against persons resident in Her Majesty's dominions)— (a) in subsection (1), after "if that person had been" insert "habitually"; (b) in subsection (3), after "if the person against whom the order is made had been" insert "habitually"; (c) in subsection (6), after "the order is sought to be made been" insert "habitually".	Maintenance / Jurisdiction
		s.4A	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 1(3)	In section 4A (variation and revocation of maintenance orders)— (a) in subsection (2), for the second "residing" substitute "habitually resident"; (b) in subsection (3), for the second "residing" substitute "habitually resident".	Maintenance / Jurisdiction
21	Maintenance Orders (Reciprocal Enforcement) Act 1972				
		s.3(1)(a) and s.3(7)(a)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 2(2)(b)	In section 3 (power of magistrates' court to make provisional maintenance order against person residing in reciprocating country)— (a) in subsection (1)(a), for "residing" substitute "habitually resident"; (b) in subsection (7)(a), in subsection (1)(a) as substituted by that provision, for "residing" substitute "habitually resident".	Maintenance / Recognition and enforcement
		s.4(1) and s.4(7)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 5	In the Maintenance Orders (Reciprocal Enforcement) Act 1972, in section 4 (power of sheriff to make provisional maintenance order)— (a) in subsection (1), for "Rule 2(5) of Schedule 8 to the Civil Jurisdiction and Judgments Act 1982" substitute "the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011"; (b) after subsection (6) insert— "(7) In this section, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.".	Maintenance / Recognition and enforcement
		s.17(5A) and s.17(6)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 2(3)	In section 17 (proceedings in magistrates' courts)— (a) in subsection (5A), for the second "residing" substitute "habitually resident"; (b) in subsection (6), for the second "residing" substitute "habitually resident".	Maintenance / Recognition and enforcement
		s.27A(2)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 2(4)	In section 27A, in subsection (2), after "Lord Chancellor," insert — "This subsection does not confer jurisdiction on a court in England and Wales that it would not otherwise have."	Maintenance / Recognition and enforcement

		s.35	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 2(6)	In section 35 (further provisions with respect to variation etc of orders by magistrates' courts in England and Wales)— (a) for subsection (1) substitute— “(1) Subsection (1A) applies in relation to an application for the variation or revocation of a registered order registered in a magistrates' court in England and Wales (“the registering court”) made— (a) by the person against whom or on whose application the registered order was made, and (b) in circumstances where the person by or against whom the application is made is residing outside England and Wales. (1A) The registering court has jurisdiction to hear the application even though— (a) a party to the application is residing outside England and Wales, and (b) the requirement in section 30(1) of the Domestic Proceedings and Magistrates' Courts Act 1978 as applied by section 28(2) or 28A(6) of this Act 7, is not satisfied. (1B) But if the application or part of it relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation 8 and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the registering court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”; (b) after subsection (3) insert— “(4) In subsection (1B) “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”	Maintenance / Recognition and enforcement	
22	Matrimonial Causes Act 1973					
		s.27	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, paras 6(2)	In section 27 (financial provision orders in case of neglect to maintain), for subsection (2), substitute “(2) The court may not entertain an application under this section unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”	Maintenance / Jurisdiction	
		s.35	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, paras 6(3)	In section 35 (alteration of agreements by court during lives of parties)— (a) in subsection (1), for “subsection (3)” substitute “subsections (1A) and (3)”; (b) after that subsection insert—“(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011— (a) the requirement as to domicile or residence in subsection (1) does not apply to the application or that part of it, but (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.”	Maintenance / Jurisdiction	
		s.52	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, paras 6(4)	In section 52, in subsection (1), after the definition of “maintenance calculation” insert— ““the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”	Maintenance	
23	Matrimonial and Family Proceedings Act 1984					
		s.15(1)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(2)(a)	In section 15 (jurisdiction of the court)— (a) in subsection (1), for “subsection (2)”, substitute “subsections (1A) and (2)”; (b) after that subsection, insert—“(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.”	Jurisdiction / Maintenance	
		s.15(1A)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(2)(b)	In section 15 (jurisdiction of the court)— ... (b) after that subsection, insert—“(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.”	Jurisdiction / Maintenance	
		s.15(2)(a) and s.15(2)(b)	Civil Jurisdiction and Judgments Order 2001/3929, Sch 3, para 19	In section 15 (jurisdiction of the court), in subsection (2)—(a) after “(implementation of certain European conventions)” insert “or by virtue of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”; and (b) in paragraph (a) and (b) after “by virtue of” insert “that Regulation or”.	Jurisdiction / Maintenance	
		s.15(2)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, s.13	In section 15 (jurisdiction of the court), in subsection (2), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”	Jurisdiction / Maintenance	
		s.15(2)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(2)(c)	In section 15 (jurisdiction of the court)— ... (c) in subsection (2)— (i) the words from “or by virtue of Council Regulation” to “at p 62” are repealed; (ii) in paragraphs (a) and (b), the words “that Regulation or” are repealed;	Jurisdiction / Maintenance	
		s.15(3)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(2)(d)	In section 15 (jurisdiction of the court)— ... (d) after subsection (2) insert—“(3) In this section, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”	Jurisdiction / Maintenance	
		s.16(1)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(3)(a)	In section 16 (duty of court to consider whether England and Wales is appropriate venue)— (a) in subsection (1), at the beginning, insert “Subject to subsection (3).”	Jurisdiction / Maintenance	
		s.16(3) and s.16(4)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 10(3)(b)	In section 16 (duty of court to consider whether England and Wales is appropriate venue)— ... (b) after subsection (2) insert— “(3) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in subsection (1) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule. (4) In this section, “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”	Jurisdiction / Maintenance	
24	Mental Capacity Act 2005		Sch 3, para 4	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17(10)	After “means” insert (subject to sub-paragraph (2)), and (b) after the existing provision in paragraph 4 (which becomes sub-paragraph (1)), insert—“(2) But “adult” does not include a child to whom either of the following applies—(a) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;(b) Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.”	Miscellaneous
25	Merchant Shipping (Liner Conferences) Act 1982					
		s. 5(6)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 1, para 11	(1) Section 5 of the Merchant Shipping (Liner Conferences) Act 1982 (liability of members of conference to be in proportion to their responsibility) is amended in accordance with this paragraph. (2) In subsection (6), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”	Enforcement	
		S.5(6)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 1	For the words from “Council Regulation” to the end substitute “Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L 79, 21.3.2013, p4)”	Enforcement	
26	Proceeds of Crime Act 2002					
		All	Bought in to implement: 1. Directive 91/308 on prevention of the use of the financial system for the purpose of money laundering 2. Directive 2001/97 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering	NOTE: With regard to its relevance to family law, the Act appears in the Red Book in the following contexts: 1 s.15 of the Children Act 1989 (Orders for financial relief with respect to children): “Procedure—An application under s 15 for financial relief with respect to children follows the shorter procedure as set out in FPR 2010, rr 9.19, 9.20, PD9A, para 1.2(a)(ii), and see Procedural Guide A2. Where a father's resources are subject to a criminal restraint order under the Proceeds of Crime Act 2002, a mother seeking relief including the disclosure of the father's means should apply to the Crown Court that made the order, on notice: T v B and Revenue and Customs Prosecutions Office [2009] 1 FLR 1231, FD.” 2 s.21 of the Matrimonial Causes Act 1973 (Financial Provision and Property Adjustment Orders): “Relationship of financial proceedings with criminal compensation orders—Following the implementation of the Proceeds of Crime Act 2002, issues of confiscation and enforcement lie with the Crown Court (Webber v Webber [2007] 2 FLR 116, FD). Ancillary relief and applications for confiscation orders are no longer heard together. In Stodgell v Stodgell [2009] 2 FLR 244, CA, a wife's application for ancillary relief could not proceed until after a compensation order imposed on the husband following his conviction for tax evasion was discharged. Where the husband's assets are extinguished by moneys due under a confiscation order, a wife would fail in her ancillary relief claim, even where she was non-compliant in the husband's fraud. See also W v W (Financial Remedies: Confiscation Order) [2013] 2 FLR 359, FD.”	Miscellaneous / Enforcement	
27	Senior Courts Act 1981					
		s.40(1)	Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001/3649, Article 290	For the words from “the following” to the end substitute “any deposit account, and any withdrawable share account, with a deposit-taker”.	Miscellaneous	
		s.40(4)(b)	Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001/3649, Article 290	For “deposit-taking institution”, in both places, substitute “deposit-taker”.	Miscellaneous	
		s.40(6)	Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001/3649, Article 290	For subsection (6) substitute—“(6) “Deposit-taker” means a person who may, in the course of his business, lawfully accept deposits in the United Kingdom.” After subsection (6) insert—“(7) Subsection (6) must be read with—(a) section 22 of the Financial Services and Markets Act 2000; (b) any relevant order under that section; and (c) Schedule 2 to that Act.”	Miscellaneous	
		Sch 1, para 3(f)	European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005/265, Reg. 5	Omit “and” at the end of sub-paragraph (iv) of paragraph (f) and after that sub-paragraph insert—“(v) Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, so far as that Regulation relates to jurisdiction, recognition and enforcement in parental responsibility matters.”	Jurisdiction	

		Sch 1, para 3(f)	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010/1898, Reg. 17 and Sch 1, para 2	After sub-paragraph (f)(v) insert—“(vi) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996.”	Hague
		Sch 1, para 3(f)	Civil Jurisdiction and Judgments (Protection Measures) Regulations 2014/3298, Reg. 3(3)	In Schedule 1 to the Senior Courts Act 1981, in paragraph 3 (Family Division), at the end insert—“(f) proceedings under Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, so far as relating to the recognition and enforcement in England and Wales of a protection measure (within the meaning of that Regulation) ordered in a Member State other than the United Kingdom.”.	Hague
28	Social Security Administration Act 1992				
		s.108(4)(ab)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, para 6	In section 108 of the Social Security Administration Act 1992 (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State), in subsection (4) — (a) the “and” at the end of paragraph (aa) is repealed; (b) after paragraph (aa) insert— (ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and”.	Recognition and Enforcement
		s.108(9)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 14(c)	In section 108 of the Social Security Administration Act 1992 “reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State) - (a) after subsection (8) insert—“(9) in this section “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.	Recognition and Enforcement
29	State Immunity Act 1978				
		s.12, s.13, s.14(3) and s.14(4)	Extended by Civil Jurisdiction and Judgments Act 1982, ss. 31(4), 53, Sch. 13 Pt. II, para. 7, to apply to proceedings for the recognition or enforcement in the United Kingdom of a judgment given by a court of an overseas country as they apply to other proceedings. Civil Jurisdiction and Judgments Act 1982 implements Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	See s.31(4) of the Civil Jurisdiction and Judgments Act 1982 above	Recognition and Enforcement
30	Youth Justice and Criminal Evidence Act 1999				
		s.33(5)	Special Measures for Child Witnesses (Sexual Offences) Regulations 2013/2971, Reg. 2(a) Special Measures for Child Witnesses (Sexual Offences) Regulations 2013/2971 implements Article 18 (3) of Directive 2011/193 on combating the sexual abuse and sexual exploitation of children and child pornography	In subsection (5), for “a human trafficking offence” substitute “a relevant offence”;	Child protection
		s.33(6)	Special Measures for Child Witnesses (Sexual Offences) Regulations 2013/2971, Reg. 2(b) See above	For subsection (6), substitute—“(6) In subsection (5) “relevant offence” means—(a) a sexual offence; (b) an offence under section 1 of the Protection of Children Act 1978; (c) an offence under section 160 of the Criminal Justice Act 1988; (d) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.”.	Child protection

B	Secondary legislation				
1	Armed Forces (Forfeitures and Deductions) Regulations 2009				
		Reg. 2		Definition: “the 2000 Council Regulation” means Council Regulation (EC) No 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;	Maintenance / Enforcement
		Reg. 2	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(2)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. (2) In Regulation 2, after the definition of the 2000 Council Regulation, insert— “the “Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.”.	Maintenance / Enforcement
		Reg. 2	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 9(1) and 9(2)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. (2) In regulation 2, after the definition of the 2000 Council Regulation, insert— “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.”.	Maintenance / Enforcement
		Reg. 8(2A)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(3)(a)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (3) In Regulation 8— (a) after paragraph (2), insert— “(2A) Subject to paragraph (5), if an external maintenance order is enforceable in the United Kingdom without prior registration by virtue of Section 1 of Chapter IV of the Maintenance Regulation, the Defence Council, or an officer authorised by them, may make an order authorising a deduction to be made from the pay of a relevant person and to be appropriated in or towards satisfaction of a payment which he is required to make under the maintenance order.”;	Maintenance / Enforcement
		Reg. 8(5)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(3)(b)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (3) In Regulation 8— ... (b) in paragraph (5), after “paragraph”, insert “(2A) or”;	Maintenance / Enforcement
		Reg. 8(10)		(10) In this regulation— (a) a reference to a maintenance order being registered in a court in the United Kingdom means registered in such a court under— (i) the Maintenance Orders (Facilities for Enforcement) Act 1920; (ii) Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1972; (iii) Part 1 of the Civil Jurisdiction and Judgments Act 1982; (iv) the 2000 Council Regulation;	Maintenance / Enforcement
		Reg. 8(10)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(3)(c)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (3) In Regulation 8— ... (c) in paragraph (10)(a)— (i) in subparagraph (iii), delete “or”; (ii) after subparagraph (iv) insert “or”; and (iii) insert “(v) Section 2 of Chapter IV of the Maintenance Regulation.”.	Maintenance / Enforcement
		Reg. 8(10)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 9(1) and 9(3)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (3) In regulation 8, in paragraph (10)(a)— (a) omit the “or” at the end of paragraph (iv); (b) after paragraph (v), insert— “or (vi) the 2007 Hague Convention.”.	Maintenance / Enforcement
		Reg. 9(2)		(2) For the purposes of regulation 8, “order” in paragraph (1) includes an authentic instrument or court settlement as referred to in— (a) section 13 of the Civil Jurisdiction and Judgments Act 1982, (b) the 2000 Council Regulation, ...	Maintenance / Enforcement
		Reg. 9(2)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(4)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (4) In Regulation 9, in subparagraph (2)— (a) after (a), delete “or”; (b) after (b), insert “or”; and (c) insert— “(c) the Maintenance Regulation.”.	Maintenance / Enforcement
		Reg. 9(2A)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 9(1) and 9(4)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (4) In regulation 9, after paragraph (2) insert— “(2A) For the purposes of regulation 8, a reference to a maintenance order is to include a reference to a maintenance arrangement which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of the 2007 Hague Convention.”.	Maintenance / Enforcement
		Reg. 11	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, s.29(1) and s.29(5)	(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 are amended as follows. ... (5) In Regulation 11, at paragraph (2)(b), for “or 8(2)”, substitute “, 8(2) or 8(2A)”.	Maintenance / Enforcement
2	Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997				
		Article 2	All of Article 2 is relevant		Jurisdiction
		Article 2	Civil Jurisdiction and Judgments Order 2001/3929, Sch 3, para 26	In article 2 of the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997— (a) in paragraph (a) after “Lugano Contracting State” insert “or Regulation State”; and (b) for paragraph (b) substitute— “(b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation”.	Jurisdiction
		Article 2	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Reg. 21	In article 2(a) of the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997 after “Lugano Convention” insert “, a 2005 Hague Convention State”.	Jurisdiction
3	Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001				
		Article 1	All of Article 1 is relevant		Enforcement and Recognition
		Article 1(2)	Civil Jurisdiction and Judgments Regulations 2007/1665 reg. 4(2)	In article 1(2)— (a) for the definition of “the Regulation” substitute—““the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.”; and (b) for the definition of “Regulation State” substitute—““Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State.”.	Enforcement and Recognition
		Article 1(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 2	In article 1(2) for the definition of “the Regulation” substitute - “the Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.	Enforcement and Recognition
		Article 1(3)(b)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 24(2)	In Article 1(3)(b) delete “and maintenance orders”	Enforcement and Recognition
		Article 2	All of Article 2 is relevant		Enforcement and Recognition
		Article 2(1)	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 24(3)	In Article 2(1) delete “(b) concern maintenance as if they were maintenance orders”.	Enforcement and Recognition

		Article 2(4)(a)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 3(a)(i)	In the modified sub-paragraph (1)(b) of paragraph 8 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001 substituted by sub-paragraph (a), for "Article 57 and Annex VI" substitute "Articles 58 and 60 and Annex II".	Enforcement and Recognition
		Article 2(4)(b)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 3(a)(ii)	In the modified sub-paragraph (2) of paragraph 8 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001, omit "drawn up or registered, and" and the comma after "enforceable".	Enforcement and Recognition
		Article 2(5)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 3(b)(i)	For "54" substitute "53"	Enforcement and Recognition
		Article 2(5)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 3(b)(ii)	For "58" substitute "60".	Enforcement and Recognition
		Article 3	All of Article 3 is relevant		Enforcement and Recognition
		Article 3	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 4 and Sch 3, para 4	For "registration" substitute "enforcement".	Enforcement and Recognition
		Article 4	All of Article 4 is relevant		Enforcement and Recognition
		Article 4	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 7, para 24(4)	In Article 4 delete "or maintenance orders, as appropriate".	Enforcement and Recognition
4	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011				
		Entire SI		The entire SI is relevant	Recognition and Enforcement
		Sch 1, paras 1 - 2		Interprets terms in Articles 2(2) and 49 of the Maintenance Regulation	Recognition and Enforcement
		Sch 1, paras 3 - 4		Determines how a maintenance decision which falls to be enforced in the UK shall be dealt with	Recognition and Enforcement
		Sch 1, para 4(3)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 8(2)(a)(ii)	In Schedule 1— (a) in paragraph 4(3)— (i) the "or" in sub-paragraph (b) is revoked; (ii) sub-paragraph (c) is revoked;	Recognition and Enforcement
		Sch 1, paras 5 - 7		Determines how a maintenance decision made in Denmark, and sections 2 and 3 of Chapter IV of the Maintenance Regulation apply by virtue of Article 75(2)(a) or (b) shall be dealt with; and proceedings to contest decisions made on appeal	Recognition and Enforcement
		Sch 1, paras 8 - 10		Provides for interest on maintenance decisions, currency (sterling) and proof and admissibility of decisions	Recognition and Enforcement
		Sch 1, para 11		Determines how a maintenance decision is established or varied, by virtue of Article 56 of the Maintenance Regulation	Recognition and Enforcement
		Sch 1, para 11	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 8(2)(b)	(b) after paragraph 10 insert— "PART 5 ESTABLISHMENT AND MODIFICATION OF MAINTENANCE UNDER THE MAINTENANCE REGULATION 11.— (1) This paragraph applies to an application submitted under Article 56 for establishment or modification of a decision to the Lord Chancellor, in relation to England and Wales, or to the Department of Justice in relation to Northern Ireland. (2) Upon receipt of an application submitted under Article 56 for establishment or modification of a decision in England and Wales, the Lord Chancellor shall send that application to the designated officer for the magistrates' court in the local justice area in which the respondent is residing. (3) Upon receipt of the application under sub-paragraph (2), the designated officer of that court shall decide— (a) whether the courts of England and Wales have jurisdiction to determine the application by virtue of the Maintenance Regulation and Schedule 6 to these Regulations; and (b) if so, whether the magistrates' court has power to make the decision or modification sought under— (i) the Domestic Proceedings and Magistrates' Courts Act 1978, or (ii) section 15 of and Schedule 1 to the Children Act 1989. (4) Where the designated officer decides under sub-paragraph (3)(a) that the courts of England and Wales do not have jurisdiction to determine the application, the designated officer shall return the application to the Lord Chancellor with a written explanation of the reasons for that decision. (5) Where the designated officer decides under sub-paragraph (3)(b) that the magistrates' court does not have power to make the decision or modification sought, the designated officer shall send the application to— (a) the High Court, or (b) a county court as appears to the designated officer to be appropriate. (6) Subject to sub-paragraph (7), if the designated officer decides under sub-paragraph (3)(b) that the magistrates' court has power to make the decision or modification sought, the designated officer shall issue the application and serve it on the respondent. (7) If the respondent does not reside in the local justice area for which the magistrates' court acts, the designated officer shall— (a) if satisfied that the respondent is residing within another local justice area, send the application to the designated officer of a magistrates' court acting in that other area and inform the Lord Chancellor that it has been so sent; or (b) if unable to establish where the respondent is residing, return the application to the Lord Chancellor. (8) A designated officer who receives an application by virtue of sub-paragraph (7)(a) shall proceed under sub-paragraph (6) as if that designated officer had decided that the magistrates' court has power to make the decision or modification sought. (9) Where the designated officer has determined in accordance with sub-paragraph (3)(b) that the magistrates' court has power to make the decision or modification sought, the application shall be treated for the purpose of establishment or modification of a decision under the Maintenance Regulation as an application under the Domestic Proceedings and Magistrates' Courts Act 1978, or under section 15 of and Schedule 1 to the Children Act 1989, as appropriate. (10) Sub-paragraphs (2) to (9) apply to an application submitted under Article 56 for establishment or modification of a decision in Northern Ireland to the Department of Justice in relation to Northern Ireland as if— (a) references to England and Wales were references to Northern Ireland; (b) references to the Lord Chancellor were references to the Department of Justice; (c) for "designated officer" were substituted "clerk of petty sessions"; (d) for "local justice area" were substituted "petty sessions district"; (e) references to the courts of England and Wales were references to the courts of Northern Ireland; (f) references to the Domestic Proceedings and Magistrates' Courts Act 1978, and to section 15 of and Schedule 1 to the Children Act 1989 were references to the Domestic Proceedings (Northern Ireland) Order 1980 and Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 respectively. (11) In this paragraph— "respondent" means the person who is alleged in an application for establishment of a decision under Article 56 to owe maintenance, or where the application is for modification of a decision, the person against whom the modification is sought; and a reference to an application is a reference to an application together with any documents which accompany it".	Recognition and Enforcement
		Sch 1, para 11	Civil Jurisdiction and Judgments (Maintenance) and International Recovery of Maintenance (Hague Convention 2007 etc.) (Amendment) Order 2015/1489, s.3	In paragraph 11 of Schedule 1 to the 2011 Regulations (establishment and modification of maintenance under the Maintenance Regulation) (a) in sub-paragraph (2) for "Designated Family Judge area" substitute "Maintenance Enforcement Business Centre for the area"; (b) in sub-paragraph (7)(i) for "reside in the Designated Family Judge area" substitute "reside in the area covered by the Maintenance Enforcement Business Centre"; and (ii) in paragraph (a)— (aa) for "another Designated Family Judge area" substitute "the area covered by another Maintenance Enforcement Business Centre"; and (bb) after "family court in" insert "the Maintenance Enforcement Business Centre for"; and (c) in sub-paragraph (10)— (i) omit paragraph (d); (ii) after paragraph (e) insert— "(ea) in sub-paragraph (2), for "the Maintenance Enforcement Business Centre for the area" there were substituted "the petty sessions district"; (iii) in paragraph (g) omit "and"; and (iv) after paragraph (g) insert— "(ga) in sub-paragraph (7)— (i) for "the area covered by the Maintenance Enforcement Business Centre" there were substituted "the petty sessions district"; and (ii) in paragraph (a)— (aa) for "the area covered by another Maintenance Enforcement Business Centre" there were substituted "another petty sessions district"; and (bb) "in the Maintenance Enforcement Business Centre for" were omitted; and".	Recognition and Enforcement
		Sch 2, paras 1 - 6		Implements the obligation on official bodies to provide information to the Central Authorities - Articles 61 and 62, para 2 of Schedule 1 of the Maintenance Regulation	Recognition and Enforcement
		Sch 2, para 1	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 8(3)	In Schedule 2— (a) in paragraph 1— (i) sub-paragraph (1)(b) is revoked; (ii) in sub-paragraph (1)(c), for "the Commissioners for Her Majesty's Revenue and Customs" substitute "Revenue and Customs officers"; (iii) in sub-paragraph (2), after "social security" insert " , child support"; (iv) after sub-paragraph (2), insert— "(3) In sub-paragraph (2), "functions relating to social security" includes functions relating to statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992 and maternity allowance under section 35 of that Act. (4) In this Schedule, references to the Secretary of State include a person providing services to the Secretary of State in connection with the functions mentioned in sub-paragraph (2)."; (b) in paragraph 3(1), the words " , or by a person supplying services to a Central Authority," are revoked; (c) in paragraph 4— (i) in sub-paragraph (1), for "he or she" substitute "that person"; (ii) in sub-paragraph (2), for "he or she" substitute "the person"; (d) after paragraph 5 insert— "6. In this Schedule, references to a Central Authority include persons employed by or supplying services to that Central Authority".	Recognition and Enforcement
		Sch 3, paras 1 - 2		Interprets Articles 2, 48 and Sch 1 of the Maintenance Regulation	Recognition and Enforcement
		Sch 6, paras 1 - 16		With reference to the maintenance regulation, this schedule determines the allocation of jurisdiction in intra-UK maintenance disputes	Jurisdiction
		Sch 6, para 16	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 8(4)	In paragraph 16(a)(i) of Schedule 6, for "the Child Maintenance and Enforcement Commission" substitute "the Secretary of State".	Jurisdiction

		Sch 7, para 26		<p>26.—</p> <p>(1) Despite paragraph 25(2), the countries listed in that paragraph are to continue to be Hague Convention countries for the purposes of Part 1 of the Act, as modified by Schedule 2 to the Hague Convention Countries Order, in relation to—</p> <p>(a) proceedings for the establishment of a maintenance order under section 3 of the Act which are continuing on 18th June 2011 pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E);</p> <p>(b) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies where those proceedings are continuing on 18th June 2011 pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply;</p> <p>(c) proceedings under section 6 of the Act for registration of a maintenance order which are continuing on 18th of June 2011 where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date;</p> <p>(d) enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;</p> <p>(e) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;</p> <p>(f) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.</p> <p>(2) In this paragraph—</p> <p>(a) "the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972, and references to particular provisions of the Act are to those provisions as modified by Schedule 2 to the Hague Convention Countries Order;</p> <p>(b) "the Hague Convention Countries Order" means the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993;</p> <p>(c) "registered order" has the meaning given in section 21(1) of the Act.</p>	Hague
5	Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011				
		Entre SI		This statutory instrument makes amendments to the Magistrates' Courts Act 1980 (amendment now repealed) and to the Civil Jurisdiction and Judgments Act 1982 to ensure that the powers to make Family Procedure Rules for England and Wales are wide enough to extend to making rules to support the operation in England and Wales of Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (the Maintenance Regulation).	Recognition and Enforcement
		Reg. 1		Citation, commencement and extent	Recognition and Enforcement
		Reg. 7		Concerns the applicability of s48 of the Civil Jurisdiction and Judgments Act 1982 to authentic instruments and court settlements	Recognition and Enforcement
6	Civil Jurisdiction and Judgments Order 2001				
		Entre Order - preamble		Whereas a Convention on jurisdiction and the enforcement of judgments in civil and commercial matters was signed on 27th September 1968: And whereas a Protocol on the interpretation of the Convention by the Court of Justice of the European Communities was signed on 3rd June 1971: And whereas a Convention on the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the Convention signed by Her Majesty's Government on 9th October 1978, was ratified on 7th October 1986 by Her Majesty's Government and entered into force for the United Kingdom on 1st January 1987: And whereas the Civil Jurisdiction and Judgments Act 1982 gave the force of law to these Conventions and to the Protocol in the United Kingdom: And whereas a Convention on jurisdiction and the enforcement of judgments in civil and commercial matters was opened for signature at Lugano on 16th September 1988 and signed by Her Majesty's Government on 18th September 1989: And whereas the Civil Jurisdiction and Judgments Act 1982, as amended by the Civil Jurisdiction and Judgments Act 1991, gave the force of law to that Convention in the United Kingdom: And whereas a Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 2 was done on 22nd December 2000: Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:	Jurisdiction - conflict of laws
		Article 1		Citation and commencement	Recognition and Enforcement / Jurisdiction
		Article 2		Interpretation	Recognition and Enforcement / Jurisdiction
		Article 2(1)	Civil Jurisdiction and Judgments Regulations 2007/1665, Reg. 3(2)	In article 2(1)—(a) after the definition of "the Act" insert—"the 2005 Agreement" means the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; (b) for the definition of "the Regulation" substitute—"the Regulation" means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the 2005 Agreement; and (c) for the definition of "Regulation State" substitute—"Regulation State" in any provision, in the application of that provision in relation to the Regulation, means a Member State."	Recognition and Enforcement / Jurisdiction
		Article 2(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 2	In paragraph (1), for the definition of "the Regulation" substitute—"the Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	Recognition and Enforcement / Jurisdiction
		Article 3		Schedule 1 to this Order (which applies certain provisions of the Act with modifications for the purposes of the Regulation) shall have effect	Recognition and Enforcement / Jurisdiction
		Article 3A	Civil Jurisdiction and Judgments Regulations 2007/1655, Reg. 3(3)	After article 3, insert—"3A. The 2005 Agreement The Regulation shall have effect as regards Denmark in accordance with the 2005 Agreement."	Recognition and Enforcement / Jurisdiction
		Article 6		Transitional provisions	Recognition and Enforcement / Jurisdiction
		Sch 1, para 1		The Regulation - Interpretation	Recognition and Enforcement
		Sch 1, para 1	Civil Jurisdiction and Judgments (Amendment) Regulations 2014/2947 Sch 2, paras 3(2)(a) and 3(2)(b)	3.— (1) Schedule 1 (the Regulation) is amended as follows. (2) In paragraph 1 (interpretation)— (a) in sub-paragraph (1), in the definition of "judgment", for "Article 32" substitute "Article 2"; and (b) omit sub-paragraph (3).	Recognition and Enforcement
		Sch 1, para 2		The Regulation - Enforcement of judgments other than maintenance orders (section 4)	Recognition and Enforcement
		Sch 1, para 2(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(3)(a)	In paragraph 2, sub-paragraph (1) - for "registered" substitute "enforced" and for "registration" substitute "enforcement".	Recognition and Enforcement
		Sch 1, para 2(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(3)(b)	In paragraph 2, sub-paragraph (2) substitute - "(2) A judgment to be enforced under the Regulation shall for the purposes of its enforcement be of the same force and effect, the enforcing court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the enforcing court.(2A) Where a judgment to be enforced under the Regulation would, if it had been given by a court in Northern Ireland, be enforced by the Enforcement of Judgments Office pursuant to the Judgments Enforcement (Northern Ireland) Order 1981, that judgment shall for the purposes of its enforcement be of the same force and effect, the Enforcement of Judgments Office shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by a court in Northern Ireland."	Recognition and Enforcement
		Sch 1, para 2(3)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(3)(c)	In sub-paragraph (3), for "Article 47 (restriction on enforcement where appeal pending or time for appeal unexpired)" substitute "Articles 41(2) and 46".	Recognition and Enforcement
		Sch 1, para 3 omitted	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(5)	Omit paragraph 3 (recognition and enforcement of maintenance orders).	Recognition and Enforcement
		Sch 1, para 4		The Regulation - Appeals under Article 50 and 75(c) (section 6)	Recognition and Enforcement
		Sch 1, para 4	Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484, Sch 5, para 3	Paragraph 4 is amended as follows. In sub-paragraph (1), "other than a maintenance order" is revoked. Sub-paragraph (3) is revoked.	Recognition and Enforcement
		Sch 1, para 4	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(6)	In paragraph 4 (appeals under article 44 and Annex IV), in the heading and in sub-paragraph (1), for "Article 44 and Annex IV" substitute "Article 50 and 75(c)".	Recognition and Enforcement
		Sch 1, para 5		The Regulation - Interest on judgments (section 7)	Recognition and Enforcement
		Sch 1, para 5	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(7)(a)	In the heading, omit "registered"	Recognition and Enforcement
		Sch 1, para 5(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(7)(b)	For sub-paragraph (1) substitute—"(1) Subject to sub-paragraph (2) and rules of court as to the payment of interest under this paragraph, where a person applying for enforcement of a judgment under the Regulation shows that—(a) the judgment provides for the payment of a sum of money; and (b) in accordance with the law of the Regulation State in which the judgment was given and the terms of the judgment, interest on that sum is recoverable at a particular rate and from a particular date or time, the debt resulting from enforcement of the judgment is to carry interest at that rate and from that date or time."	Recognition and Enforcement
		Sch 1, para 5(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(7)(c)	For "registering" substitute "enforcing"; and for "registration" substitute "enforcement".	Recognition and Enforcement
		Sch 1, para 5(3) omitted	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(7)(d)	Omit sub paragraph (3)	Recognition and Enforcement
		Sch 1, para 5(4)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(7)(e)	For "Except as mentioned in sub-paragraph (3), debts under judgments registered" substitute "Debts under judgments enforced"	Recognition and Enforcement
		Sch 1, para 6 omitted	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(8)	Omit paragraph 6 (currency of payment under registered maintenance orders (section 8)).	Recognition and Enforcement
		Sch 1, para 7		The Regulation - Allocation within United Kingdom of jurisdiction with respect to trusts and consumer contracts (section 10)	Jurisdiction
		Sch 1, para 7(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(9)(a)	For "Article 5(6)" substitute "Article 7(6)".	Jurisdiction
		Sch 1, para 7(3)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(9)(b)	For "Article 16(1)" substitute "Article 18(1)".	Jurisdiction
		Sch 1, para 8		The Regulation - Proof and admissibility of certain judgments and related documents (section 11)	Recognition and Enforcement
		Sch 1, para 8(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(10)	In the heading, for "Article 22(2)" substitute "Article 24(2)".	Recognition and Enforcement
		Sch 1, para 8(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(10)	In the heading, for "Article 22(2)" substitute "Article 24(2)".	Recognition and Enforcement
		Sch 1, para 9		The Regulation - Domicile of individuals (section 41)	Jurisdiction
		Sch 1, para 9(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(11)	For "Article 59" substitute "Article 62".	Jurisdiction

		Sch 1, para 10		The Regulation - Seat of company, or other legal person or association for purposes of Article 24 (2) (section 43)	Jurisdiction
		Sch 1, para 10(1)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(12)	In the heading, for "Article 22(2)" substitute "Article 24(2)".	Jurisdiction
		Sch 1, para 10(4)(b)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(12)	In the heading, for "Article 22(2)" substitute "Article 24(2)".	Jurisdiction
		Sch 1, para 11		The Regulation - Persons deemed to be domiciled in the United Kingdom for certain purposes (section 44)	Jurisdiction
		Sch 1, para 11(2)(a)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(13) (a)	For "Article 9(2)" substitute "Article 11(2)".	Jurisdiction
		Sch 1, para 11(2)(b)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(13) (b)	For "Article 15(2)" substitute "Article 17(2)".	Jurisdiction
		Sch 1, para 11(2)(c)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 3 and Sch 2, para 3(13) (c)	For "Article 18(2)" substitute "Article 20(2)".	Jurisdiction
		Sch 1, para 12		The Regulation - Domicile of trusts (section 45)	Jurisdiction
7	Civil Partnership (Jurisdiction and Recognition of Judgments)	Regulation 2005			
		Entire SI (insofar as it applies to England and Wales)		This statutory instrument implements the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000	Jurisdiction and Recognition
		Reg. 1		Citation and commencement	Jurisdiction and Recognition
		Reg. 2		Extent	Jurisdiction and Recognition
		Reg. 3		Application	Jurisdiction and Recognition
		Reg. 4		Jurisdiction: England and Wales	Jurisdiction
		Reg. 6		Definitions for Part 2	Jurisdiction and Recognition
		Reg. 7		Recognition of a Judgment	Recognition
		Reg. 8		Refusal of recognition of a judgment	Recognition
		Reg. 9		Jurisdiction and review	Jurisdiction
		Reg. 10		Jurisdiction and review	Jurisdiction
		Reg. 11		Differences in applicable law	Jurisdiction / Applicable law
		Reg. 12		Stay of proceedings	Jurisdiction
8	Civil Procedure Rules 1998				
		Note re CPR		NOTE: There are other parts of the Civil Procedure Rules 1998 (CPR) which contain EU law relevant provisions, but the extracts below are limited to those parts of the CPR listed in the Red Book index. Examples of other parts of the CPR (not listed in the Red Book index) which contain EU law provisions are: Part 12 (Default Judgment) Part 25 (Interim Remedies) (refers to orders under Article 9 of Council Directive (EC) 2004/48 on the enforcement of intellectual property rights (order in intellectual property proceedings making the continuation of an alleged infringement subject to the lodging of guarantees).) Part 30.8 (Transfer of competition law claims) Part 34, in particular Part 34.21 (Order under 1975 Act as applied by Patents Act 1977) and Part III of Part 34 (Taking of evidence - Member States of the European Union) Part 54 Section II (Planning Court) Part 62.20 Part 63 (Intellectual Property Claims) Part 68 (References to the European Court) Part 78 (European Procedures)	Miscellaneous
		rule 6.2(d)	Civil Procedure (Amendment No.2) Rules 2009/3390 rule 5(a)	In Part 6— (a) in rule 6.2, for sub-paragraph (d) substitute— (d) "solicitor" includes any other person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act).";	Service
		rule 6.2(e)	Civil Procedure (Amendment) Rules 2011/88, rule 4(b)	(b) in rule 6.2— (i) at the end of sub-paragraph (c), delete "and"; (ii) at the end of sub-paragraph (d), for "." substitute "; and"; and (iii) after sub-paragraph (d) insert— " (e) "European Lawyer" has the meaning set out in article 2 of the European Communities (Services of Lawyers) Order 1978 (S. I. 1978/1910). (The European Communities (Services of Lawyers) Order 1978 is annexed to Practice Direction 6A.);";	Service
		Part II heading	Civil Procedure (Amendment) Rules 2011/88, rule 4(c)	(c) in the heading to Section II, at end insert "or in specified circumstances within the EEA"	Service
		rule 6.3(1)	Civil Procedure (Amendment) Rules 2011/88, rule 4(d)	(d) in rule 6.3(1), after "A claim form may" insert "(subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties)";	Service
		rule 6.3(1)	Civil Procedure (Amendment No.2) Rules 2009/3390 rule 5(b)(i)	(b) in— (i) rules 6.3(1)(b), 6.3(1)(d), 6.20(1)(b), 6.20(1)(d), 6.23(5) and 6.23(6); and (ii) the parenthesis below rules 6.5(3) and 6.26, for "Practice Direction A supplementing this Part" substitute "Practice Direction 6A";	Service
		rule 6.4(1)	Civil Procedure (Amendment) Rules 2011/88, rule 4(e)	(e) in rule 6.4(1), for "The" substitute "Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, the";	Service
		rule 6.5	Civil Procedure (Amendment No.2) Rules 2009/3390 rule 5(b)(i)	(b) in— (i) rules 6.3(1)(b), 6.3(1)(d), 6.20(1)(b), 6.20(1)(d), 6.23(5) and 6.23(6); and (ii) the parenthesis below rules 6.5(3) and 6.26, for "Practice Direction A supplementing this Part" substitute "Practice Direction 6A";	Service
		rule 6.6	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(c)	(c) in rule 6.6(1), after "rule" insert "6.7(2) or";	Service
		rule 6.6	Civil Procedure (Amendment) Rules 2011/88, rule 4(f)	(f) in rule 6.6— (i) in paragraph (1), after "rule 6.7(2)" insert ", 6.7(3)"; and (ii) in paragraph (2), after "full postcode" insert "or its equivalent in any EEA state (if applicable)";	Service
		rule 6.6	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(h)	(h) in the parenthesis below rules 6.6(2) and 6.23(1), for "the practice direction supplementing Part 16" substitute "Practice Direction 16";	Service
		rule 6.7	Civil Procedure (Amendment) Rules 2011/88, rule 4(g)	(g) for rule 6.7 substitute— " 6.7.— Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state (1) Solicitor within the jurisdiction : Subject to rule 6.5(1), where— (a) the defendant has given in writing the business address within the jurisdiction of a solicitor as an address at which the defendant may be served with the claim form; or (b) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within the jurisdiction, the claim form must be served at the business address of that solicitor. ("Solicitor" has the extended meaning set out in rule 6.2(d).) (2) Solicitor in Scotland or Northern Ireland or EEA state other than the United Kingdom : Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where— (a) the defendant has given in writing the business address in Scotland or Northern Ireland of a solicitor as an address at which the defendant may be served with the claim form; (b) the defendant has given in writing the business address within any other EEA state of a solicitor as an address at which the defendant may be served with the claim form; or (c) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within any other EEA state, the claim form must be served at the business address of that solicitor. (3) European Lawyer in any EEA state : Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where— (a) the defendant has given in writing the business address of a European Lawyer in any EEA state as an address at which the defendant may be served with the claim form; or (b) a European Lawyer in any EEA state has notified the claimant in writing that the European Lawyer is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address of the European Lawyer, the claim form must be served at the business address of that European Lawyer. ("European Lawyer" has the meaning set out in rule 6.2(e).) (For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.);	Service
		rule 6.8	Civil Procedure (Amendment) Rules 2011/88, rule 4(h)	(h) in rule 6.8— (i) in the heading, after "where" insert "before service"; (ii) after "rules 6.5(1) and 6.7" insert "and the provisions of Section IV of this Part"; (iii) in sub-paragraph (a), for "within the jurisdiction" substitute "at which the defendant resides or carries on business within the UK or any other EEA state and"; (iv) at end insert— " (For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.). (For service out of the jurisdiction see rules 6.40 to 6.47.);	Service
		rule 6.9	Civil Procedure (Amendment) Rules 2011/88, rule 4(i)	(i) in rule 6.9— (i) in paragraph (1)(b), after "solicitor" insert "or European Lawyer"; (ii) at end insert— " (For service out of the jurisdiction see rules 6.40 to 6.47.);	Service
		rule 6.14	Civil Procedure (Amendment) Rules 2011/88, para 4(j)	In Part 6— ... (j) in rule 6.14, after "A claim form served" insert "within the United Kingdom";	Service
		Part III Heading	Civil Procedure (Amendment) Rules 2011/88, para 4(k)	(k) in the heading to Section III, at end insert "or in specified circumstances within the EEA";	Service
		rule 6.20	Civil Procedure (Amendment) Rules 2011/88, rule 4(l)	(l) in rule 6.20(1), for "A" substitute "Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a";	Service

		rule 6.20	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(b)(i)	(b) in— (i) rules 6.3(1)(b), 6.3(1)(d), 6.20(1)(b), 6.20(1)(d), 6.23(5) and 6.23(6); and (ii) the parenthesis below rules 6.5(3) and 6.26, for "Practice Direction A supplementing this Part" substitute "Practice Direction 6A";	Service
		rule 6.21	Civil Procedure (Amendment) Rules 2011/88, rule 4(m)	(m) in rule 6.21(1), for "A" substitute "Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a";	Service
		rule 6.22	Civil Procedure (Amendment) Rules 2011/88, rule 4(n)	(n) in rule 6.22— (i) in paragraph (2)(a), after "rule 6.23" delete "(2)(a)"; (ii) at end insert— "For service out of the jurisdiction see rules 6.40 to 6.47.";	Service
		rule 6.23	Civil Procedure (Amendment No.2) Rules 2009/3390 rule 5(b)(i)	(b) in— (i) rules 6.3(1)(b), 6.3(1)(d), 6.20(1)(b), 6.20(1)(d), 6.23(5) and 6.23(6); and (ii) the parenthesis below rules 6.5(3) and 6.26, for "Practice Direction A supplementing this Part" substitute "Practice Direction 6A";	
		rule 6.23	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(h)	(h) in the parenthesis below rules 6.6(2) and 6.23(1), for "the practice direction supplementing Part 16" substitute "Practice Direction 16".	Service
		rule 6.23	Civil Procedure (Amendment) Rules 2011/88, rule 4(o)	(o) in rule 6.23— (i) in the heading, at end insert "to be given after proceedings are started"; (ii) in paragraph (1), after "full postcode" insert "or its equivalent in any EEA state (if applicable)"; (iii) for paragraph (2), substitute— "(2) Except where any other rule or practice direction makes different provision, a party's address for service must be— (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or (b) the business address in any EEA state of a European Lawyer nominated to accept service of documents; or (c) where there is no solicitor acting for the party or no European Lawyer nominated to accept service of documents— (i) an address within the United Kingdom at which the party resides or carries on business; or (ii) an address within any other EEA state at which the party resides or carries on business. (For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.14(4) of Practice Direction 55B.);" (iv) in paragraph (3), for the words from "there" to "business" substitute "none of sub-paragraphs (2)(a), (b) or (c) applies"; (v) in paragraph (4), for "Any" substitute "Subject to the provisions of Section IV of this Part (where applicable), any"; (vi) at end insert— "For service out of the jurisdiction see rules 6.40 to 6.47.";	
		rule 6.26	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(b)(ii)	(b) in— (i) rules 6.3(1)(b), 6.3(1)(d), 6.20(1)(b), 6.20(1)(d), 6.23(5) and 6.23(6); and (ii) the parenthesis below rules 6.5(3) and 6.26, for "Practice Direction A supplementing this Part" substitute "Practice Direction 6A";	
		rule 6.26	Civil Procedure (Amendment) Rules 2011/88, rule 4(p)	(p) in rule 6.26, after "claim form, served" insert "within the United Kingdom";	
		Part IV			
		rule 6.31	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.31. Interpretation For the purposes of this Section— (a) "the Hague Convention" means the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters signed at the Hague on 15 November 1965; (b) "the 1982 Act" means the Civil Jurisdiction and Judgments Act 1982; (c) "Civil Procedure Convention" means the Brussels and Lugano Conventions (as defined in section 1(1) of the 1982 Act) and any other Convention (including the Hague Convention) entered into by the United Kingdom regarding service out of the jurisdiction; (d) "the Judgments Regulation" means Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19 October 2005 between [the European Union] 1 and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ; (e) "the Service Regulation" means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000, as amended from time to time and as applied by the Agreement made on 19 October 2005 between [the European Union] 1 and the Kingdom of Denmark on the service of judicial and extrajudicial documents on civil and commercial matters ; (f) "Commonwealth State" means a state listed in Schedule 3 to the British Nationality Act 1981; (g) "Contracting State" has the meaning given by section 1(3) of the 1982 Act; (h) "Convention territory" means the territory or territories of any Contracting State to which the Brussels or Lugano Conventions (as defined in section 1(1) of the 1982 Act) apply; and (i) "domicile" is to be determined— (i) in relation to a Convention territory, in accordance with sections 41 to 46 of the 1982 Act; and (ii) in relation to a Member State, in accordance with the Judgments Regulation and paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001.	Service
		rule 6.31	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 29	In rule 6.31 after the definition of "domicile" insert—"(j) "the Lugano Convention" means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30th October 2007.".	Service
		rule 6.31	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 4(2)	(2) In rule 6.31(1), for sub-paragraph (d) substitute— "(d) "the Judgments Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) 1, as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 2; (For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013, p.4)".	Service
		rule 6.31	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 1	At the end of rule 6.31 (interpretation) 1 insert—"(k) "the 2005 Hague Convention" means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.".	Service
		rule 6.33	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 6.33.— Service of the claim form where the permission of the court is not required — out of the United Kingdom (1) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act and— (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and (b) (i) the defendant is domiciled in the United Kingdom or in any Convention territory; (ii) the proceedings are within article 16 of Schedule 1 or article 16 of Schedule 3C to the 1982 Act; or (iii) the defendant is a party to an agreement conferring jurisdiction, within article 17 of Schedule 1 or article 17 of Schedule 3C to the 1982 Act. (2) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and— (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and (b) (i) the defendant is domiciled in the United Kingdom or in any Member State; (ii) the proceedings are within article 22 of the Judgments Regulation; or (iii) the defendant is a party to an agreement conferring jurisdiction, within article 23 of the Judgments Regulation. (3) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine other than under the 1982 Act or the Judgments Regulation, notwithstanding that— (a) the person against whom the claim is made is not within the jurisdiction; or (b) the facts giving rise to the claim did not occur within the jurisdiction.	Service
		rule 6.33(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 30	In rule 6.33 for subsection (1) substitute—"(1) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act or the Lugano Convention and— (a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and (b)(i) the defendant is domiciled in the United Kingdom or in any Convention territory; (ii) the proceedings are within article 16 of Schedule 1 to the 1982 Act or article 22 of the Lugano Convention; or (iii) the defendant is a party to an agreement conferring jurisdiction, within article 17 of Schedule 1 to the 1982 Act or article 23 of the Lugano Convention.".	Service

	rule 6.33(2) and rule 6.33(2A)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 4(3)(a)(i)	(3) In rule 6.33— (a) in paragraph (2)— (i) in sub-paragraph (a), at the beginning insert "subject to paragraph (2A)"; and (ii) for sub-paragraph (b) substitute— "(b) (i) the defendant is domiciled in the United Kingdom or in any Member State; (ii) the defendant is not a consumer, but is a party to a consumer contract within article 17 of the Judgments Regulation; (iii) the defendant is an employer and a party to a contract of employment within article 20 of the Judgments Regulation; (iv) the proceedings are within article 24 of the Judgments Regulation; or (v) the defendant is a party to an agreement conferring jurisdiction within article 25 of the Judgments Regulation."; and (b) after paragraph (2) insert— "(2A) Paragraph (2)(a) does not apply if the jurisdiction conferred by the agreement referred to in paragraph (2)(b)(v) is exclusive.";	Service
	rule 6.33(2B)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 2(1)&(2)	Rule 6.33 (service of the claim form where the permission of the court is not required – out of the United Kingdom) 1 is amended as follows.(2) After paragraph (2A) insert—“(2B) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 2005 Hague Convention and the defendant is a party to an exclusive choice of court agreement conferring jurisdiction on that court within the meaning of Article 3 of the 2005 Hague Convention.”;	Service
	rule 6.33(3)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 31	In rule 6.33(3) after "the 1982 Act or" insert "the Lugano Convention or".	Service
	rule 6.33(3)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 2(3)	In paragraph (3) for "or the Lugano Convention or the Judgments Regulation" substitute "the Lugano Convention, the 2005 Hague Convention, or the Judgments Regulation".	Service
	rule 6.35(3) and (4)	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.35.— Period for responding to the claim form where permission was not required for service Service of the claim form on a defendant in a Convention territory within Europe or a Member State (3) Where the claimant serves the claim form on a defendant in a Convention territory within Europe or a Member State under rule 6.33, the period— (a) for filing an acknowledgment of service or admission, is 21 days after service of the particulars of claim; or (b) for filing a defence is— (i) 21 days after service of the particulars of claim; or (ii) where the defendant files an acknowledgment of service, 35 days after service of the particulars of claim. Service of the claim form on a defendant in a Convention territory outside Europe (4) Where the claimant serves the claim form on a defendant in a Convention territory outside Europe under rule 6.33, the period— (a) for filing an acknowledgment of service or admission, is 31 days after service of the particulars of claim; or (b) for filing a defence is— (i) 31 days after service of the particulars of claim; or (ii) where the defendant files an acknowledgment of service, 45 days after service of the particulars of claim.	Service
	rule 6.35(5)	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)(i)	(g) in— (i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c); (ii) the parenthesis below rules 6.37(5) and 6.42(3); and (iii) the first parenthesis below rule 6.41, for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and	Service
	rule 6.36	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)(i)	(g) in— (i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c); (ii) the parenthesis below rules 6.37(5) and 6.42(3); and (iii) the first parenthesis below rule 6.41, for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and	Service
	rule 6.37	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)	(g) in— (i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c); (ii) the parenthesis below rules 6.37(5) and 6.42(3); and (iii) the first parenthesis below rule 6.41, for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and	Service
	rule 6.40	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.40.— Methods of service — general provisions (1) This rule contains general provisions about the method of service of a claim form or other document on a party out of the jurisdiction. Where service is to be effected on a party in Scotland or Northern Ireland (2) Where a party serves any document on a party in Scotland or Northern Ireland, it must be served by a method permitted by Section II (and references to "jurisdiction" in that Section are modified accordingly) or Section III of this Part and rule 6.23(4) applies. Where service is to be effected on a defendant out of the United Kingdom (3) Where the claimant wishes to serve a claim form or any other document on a defendant out of the United Kingdom, it may be served— (a) by any method provided for by— (i) rule 6.41 (service in accordance with the Service Regulation); (ii) rule 6.42 (service through foreign governments, judicial authorities and British Consular authorities); or (iii) rule 6.44 (service of claim form or other document on a State); (b) by any method permitted by a Civil Procedure Convention; or (c) by any other method permitted by the law of the country in which it is to be served. (4) Nothing in paragraph (3) or in any court order authorises or requires any person to do anything which is contrary to the law of the country where the claim form or other document is to be served. (A list of the countries with whom the United Kingdom has entered into a Civil Procedure Convention, and a link to the relevant Convention, may be found on the Foreign and Commonwealth Office website at— http://www.fco.gov.uk/en/about-the-fco/publications/treaties/lists-treaties/bilateral-civil-procedure .)	Service
	rule 6.40	Civil Procedure (Amendment) Rules 2011/88, rule 4(q)	(q) in rule 6.40— (i) in paragraph (2), for "any document" substitute "a claim form or other document"; (ii) in paragraph (3)— (aa) in the heading and where it subsequently occurs, for "defendant", substitute "party"; (bb) for "the claimant" substitute "a party"; (cc) after "claim form or" in the first place where it occurs delete "any"; (dd) after "Convention" insert "or Treaty"; (iii) for the parentheses that follow the rule, substitute— "(The texts of the Civil Procedure Treaties which the United Kingdom has entered into may be found on the Foreign and Commonwealth Office website at http://www.fco.gov.uk/en/publications-and-documents/treaties/lists-treaties/bilateral-civil-procedure .)"	Service
	rule 6.41	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.41.— Service in accordance with the Service Regulation (1) This rule applies where the claimant wishes to serve the claim form or other document in accordance with the Service Regulation. (2) The claimant must file— (a) the claim form or other document; (b) any translation; and (c) any other documents required by the Service Regulation. (3) When the claimant files the documents referred to in paragraph (2), the court officer will— (a) seal (GL) the copy of the claim form; and (b) forward the documents to the Senior Master. (4) Rule 6.47 does not apply to this rule. (The Service Regulation is annexed to Practice Direction B supplementing this Part.)(Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States.)	Service
	rule 6.41	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)(iii)	(g) in— (i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c); (ii) the parenthesis below rules 6.37(5) and 6.42(3); and (iii) the first parenthesis below rule 6.41, for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and	Service
	rule 6.41	Civil Procedure (Amendment) Rules 2011/88, rule 4(r)	(r) in rule 6.41— (i) in paragraph (1), for "the claimant" substitute "a party"; (ii) in paragraph (2), for "claimant" substitute "party"; (iii) in paragraph (3)— (aa) for "the claimant" substitute "a party"; (bb) for the words after "will" to the end substitute "forward the relevant documents to the Senior Master"; (iv) in the second set of parentheses that follow the rule, at end insert "The Regulation does not apply to service in EEA states that are not member states of the EU.";	Service

		rule 6.42	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	<p>5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules.</p> <p>Schedule 1</p> <p>...</p> <p>6.42.— Service through foreign governments, judicial authorities and British Consular authorities</p> <p>(1) Where the claimant wishes to serve a claim form or any other document on a defendant in any country which is a party to a Civil Procedure Convention providing for service in that country, it may be served—</p> <p>(a) through the authority designated under the Hague Convention (where relevant) in respect of that country; or</p> <p>(b) if the law of that country permits—</p> <p>(i) through the judicial authorities of that country; or</p> <p>(ii) through a British Consular authority in that country (subject to any provisions of the applicable convention about the nationality of persons who may be served by such a method).</p> <p>(2) Where the claimant wishes to serve a claim form or any other document on a defendant in any country with respect to which there is no Civil Procedure Convention providing for service in that country, the claim form or other document may be served, if the law of that country so permits—</p> <p>(a) through the government of that country, where that government is willing to serve it; or</p> <p>(b) through a British Consular authority in that country.</p> <p>(3) Where the claimant wishes to serve the claim form or other document in—</p> <p>(a) any Commonwealth State which is not a party to the Hague Convention;</p> <p>(b) the Isle of Man or the Channel Islands; or</p> <p>(c) any British overseas territory,</p> <p>the methods of service permitted by paragraphs (1)(b) and (2) are not available and the claimant or the claimant's agent must effect service direct, unless Practice Direction B supplementing this Part provides otherwise (A list of British overseas territories is reproduced in paragraph 5.2 of Practice Direction B supplementing this Part.)</p>	
		rule 6.42	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)	<p>(g) in—</p> <p>(i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c);</p> <p>(ii) the parenthesis below rules 6.37(5) and 6.42(3); and</p> <p>(iii) the first parenthesis below rule 6.41,</p> <p>for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and</p>	Service
		rule 6.42	Civil Procedure (Amendment) Rules 2011/88, rule 4(s)	<p>(s) in rule 6.42—</p> <p>(i) in paragraph (1)—</p> <p>(aa) for "the claimant" substitute "a party";</p> <p>(bb) delete "on a defendant";</p> <p>(cc) after "Civil Procedure Convention" insert "or Treaty";</p> <p>(dd) after "Hague Convention" insert "or any other Civil Procedure Convention or Treaty";</p> <p>(ii) in paragraph (2)—</p> <p>(aa) for "the claimant" substitute "a party";</p> <p>(bb) delete "on a defendant";</p> <p>(cc) after "Convention" insert "or Treaty";</p> <p>(iii) in paragraph (3)—</p> <p>(aa) for "the claimant" the first time it occurs substitute "a party";</p> <p>(bb) after "Hague Convention" insert "or is such a party but HM Government has not declared acceptance of its accession to the Convention";</p> <p>(cc) for "the claimant" the second time it occurs substitute "the party";</p> <p>(dd) for "claimant's" substitute "party's";</p>	Service
		rule 6.43	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	<p>5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules.</p> <p>Schedule 1</p> <p>...</p> <p>6.43.— Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities</p> <p>(1) This rule applies where the claimant wishes to serve a claim form or any other document under rule 6.42(1) or 6.42(2).</p> <p>(2) Where this rule applies, the claimant must file—</p> <p>(a) a request for service of the claim form or other document specifying one or more of the methods in rule 6.42(1) or 6.42(2);</p> <p>(b) a copy of the claim form or other document;</p> <p>(c) any other documents or copies of documents required by Practice Direction B supplementing this Part; and</p> <p>(d) any translation required under rule 6.45.</p> <p>(3) Where the claimant files the documents specified in paragraph (2), the court officer will—</p> <p>(a) seal (GL) the copy of the claim form or other document; and</p> <p>(b) forward the documents to the Senior Master.</p> <p>(4) The Senior Master will send documents forwarded under this rule—</p> <p>(a) where the claim form or other document is being served through the authority designated under the Hague Convention, to that authority; or</p> <p>(b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the claim form or other document to be served.</p> <p>(5) An official certificate which—</p> <p>(a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;</p> <p>(b) states, where more than one method is requested under paragraph (2)(a), which method was used; and</p> <p>(c) is made by—</p> <p>(i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;</p> <p>(ii) the government or judicial authorities in that country; or</p> <p>(iii) the authority designated in respect of that country under the Hague Convention,</p> <p>is evidence of the facts stated in the certificate.</p> <p>(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.</p>	Service
		rule 6.43	Civil Procedure (Amendment No.2) Rules 2009/3390, rule 5(g)(i)	<p>(g) in—</p> <p>(i) rules 6.35(5), 6.36, 6.37(1)(a), 6.37(2), 6.42(3) and 6.43(2)(c);</p> <p>(ii) the parenthesis below rules 6.37(5) and 6.42(3); and</p> <p>(iii) the first parenthesis below rule 6.41,</p> <p>for "Practice Direction B supplementing this Part" substitute "Practice Direction 6B"; and</p>	Service
		rule 6.43	Civil Procedure (Amendment) Rules 2011/88, rule 4(t)	<p>(t) in rule 6.43—</p> <p>(i) in paragraph (1), for "the claimant" substitute "a party";</p> <p>(ii) in paragraph (2), for "the claimant" substitute "that party";</p> <p>(iii) in paragraph (3), for "the claimant" substitute "a party";</p> <p>(iv) in paragraph (4), after "Hague Convention" insert "or any other Civil Procedure Convention or Treaty";</p> <p>(v) in paragraph (5), for "the Hague Convention" substitute "a Civil Procedure Convention or Treaty";</p> <p>(u) in rule 6.44—</p> <p>(i) in paragraphs (1) and (3), for "claimant" substitute "party";</p> <p>(ii) in paragraph (5), after "claim form" insert "or other document"; and</p> <p>(v) in rule 6.45—</p> <p>(i) in paragraph (4)—</p> <p>(aa) for "The claimant" substitute "A party";</p> <p>(bb) after "Convention" insert "or Treaty";</p> <p>(ii) in paragraph (5), for "The claimant" substitute "A party".</p>	Service
		rule 6.44	Civil Procedure (Amendment) Rules 2011/88, rule 4(u)	<p>(u) in rule 6.44—</p> <p>(i) in paragraphs (1) and (3), for "claimant" substitute "party";</p> <p>(ii) in paragraph (5), after "claim form" insert "or other document"; and</p>	Service
		rule 6.45	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	<p>5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules.</p> <p>Schedule 1</p> <p>...</p> <p>6.45.— Translation of claim form or other document</p> <p>(1) Except where paragraph (4) or (5) applies, every copy of the claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) or 6.44 (service of claim form or other document on a State) must be accompanied by a translation of the claim form or other document.</p> <p>(2) The translation must be—</p> <p>(a) in the official language of the country in which it is to be served; or</p> <p>(b) if there is more than one official language of that country, in any official language which is appropriate to the place in the country where the claim form or other document is to be served.</p> <p>(3) Every translation filed under this rule must be accompanied by a statement by the person making it that it is a correct translation, and the statement must include that person's name, address and qualifications for making the translation.</p> <p>(4) The claimant is not required to file a translation of a claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) where the claim form or other document is to be served—</p> <p>(a) in a country of which English is an official language; or</p> <p>(b) on a British citizen (within the meaning of the British Nationality Act 1981), unless a Civil Procedure Convention requires a translation.</p> <p>(5) The claimant is not required to file a translation of a claim form or other document filed under rule 6.44 (service of claim form or other document on a State) where English is an official language of the State in which the claim form or other document is to be served.</p> <p>(The Service Regulation contains provisions about the translation of documents.)</p>	Service
		rule 6.45	Civil Procedure (Amendment) Rules 2011/88, rule 4(v)	<p>(v) in rule 6.45—</p> <p>(i) in paragraph (4)—</p> <p>(aa) for "The claimant" substitute "A party";</p> <p>(bb) after "Convention" insert "or Treaty";</p> <p>(ii) in paragraph (5), for "The claimant" substitute "A party".</p>	Service

		rule 6.48	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.48. Scope of this Section This Section— (a) applies to the service in England and Wales of any document in connection with civil or commercial proceedings in a foreign court or tribunal; but (b) does not apply where the Service Regulation (which has the same meaning as in rule 6.31(e)) applies.	Service
		rule 6.49	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.49. Interpretation In this Section— (a) "convention country" means a country in relation to which there is a Civil Procedure Convention (which has the same meaning as in rule 6.31(c)); (b) "foreign court or tribunal" means a court or tribunal in a country outside of the United Kingdom; and (c) "process server" means— (i) a process server appointed by the Lord Chancellor to serve documents to which this Section applies, or (ii) the process server's agent.	Service
		rule 6.50	Civil Procedure (Amendment) Rules 2008/2178, rule 5 and Sch 1, para 1	5. For Part 6 substitute Part 6 (Service of documents) as set out in Schedule 1 to these Rules. Schedule 1 ... 6.50. Request for service The Senior Master will serve a document to which this Section applies upon receipt of— (a) a written request for service— (i) where the foreign court or tribunal is in a convention country, from a consular or other authority of that country; or (ii) from the Secretary of State for Foreign and Commonwealth Affairs, with a recommendation that service should be effected; (b) a translation of that request into English; (c) two copies of the document to be served; and (d) unless the foreign court or tribunal certifies that the person to be served understands the language of the document, two copies of a translation of it into English.	Service
		rule 25.13(2)	Civil Procedure (Amendment No. 2) Rules 2002/3219, rule 3	3. In rule 25.13(2)— (a) for sub-paragraph (a) substitute— "(a) the claimant is— (i) resident out of the jurisdiction; but (ii) not resident in a Brussels Contracting State, a Lugano Contracting State or a Regulation State, as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982 1;," (b) omit sub-paragraph (b).	Enforcement
		rule 25.13(2)(a)(ii)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 34	In rule 25.13(2)(a)(ii) for "Lugano Contracting State" substitute "State bound by the Lugano Convention".	Enforcement
		rule 25.13(2)(a)(ii)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 5	In rule 25.13(2)(a)(ii) (conditions to be satisfied) 1 after "Lugano Convention" insert ", a State bound by the 2005 Hague Convention".	Enforcement
		rule 74.1	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and ... Schedule 8 74.1 Scope of this Part and interpretation (1) Section I of this Part applies to the enforcement in England and Wales of judgments of foreign courts. (2) Section II applies to the enforcement in foreign countries of judgments of the High Court and of county courts. (3) Section III applies to the enforcement of United Kingdom judgments in other parts of the United Kingdom. (4) Section IV applies to the enforcement in England and Wales of European Community judgments and Euratom inspection orders. (5) In this Part— (a) "the 1920 Act" means the Administration of Justice Act 1920; (b) "the 1933 Act" means the Foreign Judgments (Reciprocal Enforcement) Act 1933; (c) "the 1982 Act" means the Civil Jurisdiction and Judgments Act 1982 1; (d) "the Judgments Regulation" means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.	Recognition and Enforcement
		rule 74.1(4A)	Civil Procedure (Amendment No.3) Rules 2005/2292, rule 50(a)	In rule 74.1— (a) after paragraph (4), insert new paragraph (4A)— "(4A) Section V applies to— (a) the certification of judgments and court settlements in England and Wales as European Enforcement Orders; and (b) the enforcement in England and Wales of judgments, court settlements and authentic instruments certified as European Enforcement Orders by other Member States."	Recognition and Enforcement
		rule 74.1(4B)	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(b)	(b) after rule 74.1(4A) insert— "(4B) Section VI applies to— (a) the certification in England and Wales of outgoing protection measures; and (b) the enforcement in England and Wales of certified protection measures from Member States of the European Union other than the United Kingdom or Denmark;"	Recognition and Enforcement
		rule 74.1(5)(d)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 2, para 31(a)	In Part 74 (Enforcement of judgments in different jurisdictions)— (a) in rule 74.1 (scope of this Part and interpretation), in paragraph (5)(d), after "civil and commercial matters" insert "; as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters"; and...	Recognition and Enforcement
		rule 74.1(5)(d)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(3)(a)	(3) In rule 74.1— (a) in paragraph (5), for sub-paragraph (d) substitute— "(d) 'the Judgments Regulation' means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) 1, as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 2; (For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013, p.4); and ...	Recognition and Enforcement
		rule 74.1(5)(e)	Civil Procedure (Amendment No.3) Rules 2005/2292, rule 50(b)	In rule 74.1— (b) in paragraph (5), after sub-paragraph (d), insert— " (e) 'the EEO Regulation' means Council Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims.";	Recognition and Enforcement
		rule 74.1(5)(f)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 35	In rule 74.1(5) after the definition of "the EEO Regulation" insert—"(f) 'the Lugano Convention' means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30th October 2007.";	Recognition and Enforcement
		rule 74.1(5)(g)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 6	In rule 74.1(5) (scope of Part 74 and interpretation) at the end insert—";(g) 'the 2005 Hague Convention' means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.";	Recognition and Enforcement
		rule 74.1(5)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(3)(b)	(3) In rule 74.1— (b) omit the words in parentheses at the end of the rule.	Recognition and Enforcement
		rule 74.2	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and ... Schedule 8 ... 74.2 Interpretation (1) In this Section— (a) "Contracting State" has the meaning given in section 1(3) of the 1982 Act; (b) "Regulation State" has the same meaning as "Member State" in the Judgments Regulation, that is all Member States except Denmark; (c) "judgment" means, subject to any other enactment, any judgment given by a foreign court or tribunal, whatever the judgment may be called, and includes— (i) a decree; (ii) an order; (iii) a decision; (iv) a writ of execution; and (v) the determination of costs by an officer of the court; (d) "State of origin", in relation to any judgment, means the State in which that judgment was given. (2) For the purposes of this Section, "domicile" is to be determined— (a) in an application under the 1982 Act, in accordance with sections 41 to 46 that Act; (b) in an application under the Judgments Regulation, in accordance with paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001.	Recognition and Enforcement

	rule 74.2(1)(b)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 2, para 31(b)	(b) in rule 74.2 (interpretation), in paragraph (1)(b), for the definition of "Regulation State", substitute— "Regulation State" means a Member State;".	Recognition and Enforcement
	rule 74.2(2)(a)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 36	36. In rule 74.2(2)(a) after "the 1982 Act" insert "or the Lugano Convention".	Recognition and Enforcement
	rule 74.3	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.3 Applications for registration (1) This Section provides rules about applications under— (a) section 9 of the 1920 Act, in respect of judgments to which Part II of that Act applies; (b) section 2 of the 1933 Act, in respect of judgments to which Part I of that Act applies; (c) section 4 of the 1982 Act; and (d) the Judgments Regulation, for the registration of foreign judgments for enforcement in England and Wales. (2) Applications— (a) must be made to the High Court; and (b) may be made without notice.	Recognition and Enforcement
	rule 74.3(1)(c)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 7	In rule 74.3(1) (applications for registration) 1 for subparagraph (c) substitute—"(c) sections 4 and 4B of the 1982 Act; and".	Recognition and Enforcement
	rule 74.3(1)(d)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 37	In rule 74.3(1)(d) after "the Judgments Regulation" insert—"and (e) the Lugano Convention,"	Recognition and Enforcement
	rule 74.3(1)(d)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(4)	(4) In rule 74.3(1)— (a) at the end of sub-paragraph (c), insert "and"; (b) omit sub-paragraph (d); and (c) renumber sub-paragraph (e) to become sub-paragraph (d).	Recognition and Enforcement
	rule 74.3A	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(5)	(5) After rule 74.3, insert— "74.3A— Enforcement under the Judgments Regulation (1) This Section also provides rules about— (a) the enforcement of foreign judgments in England and Wales under the Judgments Regulation; and (b) applications for the refusal of recognition and enforcement under the Judgments Regulation.".	Recognition and Enforcement
	rule 74.4	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.4 Evidence in support (1) An application for registration of a judgment under the 1920, 1933 or 1982 Act must be supported by written evidence exhibiting— (a) the judgment or a verified or certified or otherwise authenticated copy of it; and (b) where the judgment is not in English, a translation of it into English— (i) certified by a notary public or other qualified person; or (ii) accompanied by written evidence confirming that the translation is accurate. (2) The written evidence in support of the application must state— (a) the name of the judgment creditor and his address for service within the jurisdiction; (b) the name of the judgment debtor and his address or place of business, if known; (c) the grounds on which the judgment creditor is entitled to enforce the judgment; (d) in the case of a money judgment, the amount in respect of which it remains unsatisfied; and (e) where interest is recoverable on the judgment under the law of the State of origin— (i) the amount of interest which has accrued up to the date of the application, or (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue. (3) Written evidence in support of an application under the 1920 Act must also state that the judgment is not a judgment— (a) which under section 9 of that Act may not be ordered to be registered; or (b) to which section 5 of the Protection of Trading Interests Act 1980 applies. (4) Written evidence in support of an application under the 1933 Act must also— (a) state that the judgment is a money judgment; (b) confirm that it can be enforced by execution in the State of origin; (c) confirm that the registration could not be set aside under section 4 of that Act; (d) confirm that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980 applies; (e) where the judgment contains different provisions, some but not all of which can be registered for enforcement, set out those provisions in respect of which it is sought to register the judgment; and (f) be accompanied by any further evidence as to— (i) the enforceability of the judgment in the State of origin, and (ii) the law of that State under which any interest has become due under the judgment, which may be required under the relevant Order in Council extending Part I of the 1933 Act to that State. (5) Written evidence in support of an application under the 1982 Act must also exhibit— (a) documents which show that, under the law of the State of origin, the judgment is enforceable on the judgment debtor and has been served; (b) in the case of a judgment in default, a document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document; and (c) where appropriate, a document showing that the judgment creditor is in receipt of legal aid in the State of origin. (6) An application for registration under the Judgments Regulation must, in addition to the evidence required by that Regulation, be supported by the evidence required by paragraphs (1)(b) and (2)(e) of this rule.	Recognition and Enforcement
	rule 74.4(5A)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 8	In rule 74.4 (evidence in support) 1 after paragraph (5) insert—" (5A) Written evidence in support of an application under section 4B of the 1982 Act (registration and enforcement of judgments under the 2005 Hague Convention) must also include any other evidence required by Article 13 of the 2005 Hague Convention."	Recognition and Enforcement
	rule 74.4(6)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 38	For rule 74.4(6) substitute—" (6) An application for registration under the Judgments Regulation or the Lugano Convention must, in addition to the evidence required by that Regulation or that Convention, be supported by the evidence required by paragraphs (1)(b) and (2)(e) of this rule."	Recognition and Enforcement
	rule 74.4(6)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(6)	(6) In rule 74.4(6), omit— (a) "the Judgments Regulation or"; and (b) "that regulation or".	Recognition and Enforcement
	rule 74.4A	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(7)	(7) After rule 74.4, insert— "74.4A. Procedure for enforcing judgments under the Judgments Regulation A person seeking the enforcement of a judgment which is enforceable under the Judgments Regulation must, except in a case falling within article 43(3) of the Regulation (protective measures), provide the documents required by article 42 of the Regulation."	Recognition and Enforcement
	rule 74.5	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.5 Security for costs (1) Subject to paragraphs (2) and (3), section II of Part 25 applies to an application for security for the costs of— (a) the application for registration; (b) any proceedings brought to set aside the registration; and (c) any appeal against the granting of the registration, as if the judgment creditor were a claimant. (2) A judgment creditor making an application under the 1982 Act or the Judgments Regulation may not be required to give security solely on the ground that he is resident out of the jurisdiction. (3) Paragraph (1) does not apply to an application under the 1933 Act where the relevant Order in Council otherwise provides.	Recognition and Enforcement
	rule 74.5(1)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(8)	(8) In [rule 74.5(1)] 3— (a) at the end of sub-paragraph (b), omit "and"; (b) at the end of sub-paragraph (c), for the comma substitute "; and"; and (c) after sub-paragraph (c) insert— " (d) any application relating to the recognition or enforcement of a judgment pursuant to the Judgments Regulation."	Recognition and Enforcement
	rule 74.5(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 39	In rule 74.5(2) after "the 1982 Act or" insert "the Lugano Convention,".	Recognition and Enforcement

		rule 74.6	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.6 Registration orders (1) An order granting permission to register a judgment ("registration order") must be drawn up by the judgment creditor and served on the judgment debtor— (a) by delivering it to him personally; (b) as provided by section 725 of the Companies Act 1985; or (c) in such other manner as the court may direct. (2) Permission is not required to serve a registration order out of the jurisdiction, and rules 6.24, 6.25, 6.26 and 6.29 apply to such an order as they apply to a claim form. (3) A registration order must state— (a) full particulars of the judgment registered; (b) the name of the judgment creditor and his address for service within the jurisdiction; (c) the right of the judgment debtor— (i) in the case of registration following an application under the 1920 or the 1933 Act, to apply to have the registration set aside; (ii) in the case of registration following an application under the 1982 Act or under the Judgments Regulation, to appeal against the registration order; (d) the period within which such an application or appeal may be made; and (e) that no measures of enforcement will be taken before the end of that period, other than measures ordered by the court to preserve the property of the judgment debtor.	Recognition and Enforcement
		rule 74.6(3)(c)(ii)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 40	In rule 74.6(3)(c)(ii) for "or under" substitute "the Lugano Convention, or".	Recognition and Enforcement
		rule 74.6(3)(c)(ii)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(9)	(9) In rule 74.6(3)(c)(ii)— (a) after "the 1982 Act", insert "4 or"; and (b) after "the Lugano Convention," omit "or the Judgments Regulation".	Recognition and Enforcement
		rule 74.7A, rule 74.7B and rule 74.7C	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(10)	(10) After rule 74.7, insert— "74.7A — Refusal of recognition or enforcement under the Judgments Regulation (1) An application under article 45 or 46 of the Judgments Regulation that the court should refuse to recognise or enforce a judgment must be made— (a) in accordance with Part 23; and (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court. (2) An appeal against a decision granting or refusing an application for refusal of recognition or enforcement of a judgment under the Judgments Regulation must be made in accordance with Part 52, subject to the following provisions of this rule. (3) Permission is not required to— (a) appeal; or (b) put in evidence. (4) Unless the court orders otherwise, the judgment debtor must, as soon as practicable, serve copies of any order made under article 45 or 46 or in any appeal under article 49 on— (a) all other parties to the proceedings and any other person affected by the order; (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor. (5) The court may require the judgment creditor to disclose to the judgment debtor the court or courts in which any proceedings relating to enforcement of the judgment are pending in England and Wales. 74.7B — Relief against enforcement under the Judgments Regulation (1) An application for relief under article 44 of the Judgments Regulation must be made— (a) in accordance with Part 23; and (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court. (2) The judgment debtor must, as soon as practicable, serve copies of any order made under article 44 on— (a) all other parties to the proceedings and any other person affected by the order; (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor. 74.7C — Suspension of proceedings in which a judgment is invoked under the Judgments Regulation (1) The court may suspend proceedings under article 38 of the Judgments Regulation either on its own initiative or on the application of any party. (2) An application for suspension of proceedings under article 38 of the Judgments Regulation must be made— (a) in accordance with Part 23; and (b) to the court in which the judgment is invoked. (3) The judgment debtor must, as soon as practicable, serve copies of any order made under article 38 on— (a) all other parties to the proceedings and any other person affected by the order; (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor. and any such order will not have effect on any person until it has been served."	Recognition and Enforcement
		rule 74.8	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and 74.8 Appeals (1) An appeal against the granting or the refusal of registration under the 1982 Act or the Judgments Regulation must be made in accordance with Part 52, subject to the following provisions of this rule. (2) Permission is not required— (a) to appeal; or (b) to put in evidence. (3) If— (a) the judgment debtor is not domiciled within a Contracting State or a Regulation State, as the case may be, and (b) an application to extend the time for appealing is made within two months of service of the registration order, the court may extend the period for filing an appellant's notice against the order granting registration, but not on grounds of distance. (4) The appellant's notice must be served— (a) where the appeal is against the granting of registration, within— (i) one month; or (ii) where service is to be effected on a party not domiciled within the jurisdiction, two months, of service of the registration order; (b) where the appeal is against the refusal of registration, within one month of the decision on the application for registration.	Recognition and Enforcement
		rule 74.8(1)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 41	In rule 74.8(1) after "under the 1982 Act or the" insert "Lugano Convention or the".	Recognition and Enforcement
		rule 74.8(1) and rule 74.8(3)(a)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(11)	(11) In rule 74.8— (a) in paragraph (1), after "the Lugano Convention", omit "or the Judgments Regulation"; and (b) in paragraph (3)(a), after "a Contracting State", omit "or a Regulation State, as the case may be".	Recognition and Enforcement
		rule 74.9	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(12)	(12) For rule 74.9 (Enforcement), substitute— 74.9 — Enforcement (1) In relation to enforcement of a judgment to which the Judgments Regulation applies, the judgment creditor must comply with article 43 of the Regulation. (2) In relation to a judgment to which the Judgments Regulation does not apply, no steps may be taken to enforce the judgment— (a) before the end of the period specified in accordance with rule 74.6(3)(d), or that period as extended by the court; or (b) where there is an application under rule 74.7 or an appeal under rule 74.3, until the application or appeal has been determined. (3) Any party wishing to enforce a judgment to which the Judgments Regulation does not apply must file evidence of the service on the judgment debtor of— (a) the registration order; and (b) any other relevant order of the court. (4) Nothing in this rule prevents the court from making orders to preserve the property of the judgment debtor pending final determination of any issue relating to the enforcement of the judgment."	Recognition and Enforcement
		rule 74.10	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.10 Recognition (1) Registration of a judgment serves as a decision that the judgment is recognised for the purposes of the 1982 Act and the Judgments Regulation. (2) An application for recognition of a judgment is governed by the same rules as an application for registration of a judgment under the 1982 Act or under the Judgments Regulation, except that rule 74.4(5)(a) and (c) does not apply.	Recognition and Enforcement
		rule 74.10(1)&(2)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 42	For paragraphs (1) and (2) of rule 74.10 substitute—" (1) Registration of a judgment serves as a decision that the judgment is recognised for the purposes of the 1982 Act, the Lugano Convention and the Judgments Regulation. (2) An application for recognition of a judgment is governed by the same rules as an application for registration of a judgment under the 1982 Act, the Lugano Convention or the Judgments Regulation, except that rule 74.4(5)(a) and (c) does not apply."	Recognition and Enforcement

		rule 74.10(1)&(2)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(13)	(13) In rule 74.10, in each of paragraphs (1) and (2)— (a) after “the 1982 Act”, omit the comma and insert “and”; and (b) after “the Lugano Convention”, omit “and the Judgments Regulation”.	Recognition and Enforcement
		rule 74.10(1)&(2)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 9	Rule 74.10 (recognition) 1 is amended as follows. (2) In paragraph (1), for the words “and the Lugano Convention” substitute “the Lugano Convention and the 2005 Hague Convention”. (3) In paragraph (2), for “or the Lugano Convention” substitute “the Lugano Convention or the 2005 Hague Convention”.	Recognition and Enforcement
		rule 74.11	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 43	For rule 74.11 substitute—The rules governing the registration of judgments under the 1982 Act, the Lugano Convention or the Judgments Regulation apply as appropriate and with any necessary modifications for the enforcement of—(a) authentic instruments which are subject to—(i) article 50 of Schedule 3C to the 1982 Act;(ii) article 57 of the Lugano Convention; and(iii) article 57 of the Judgments Regulation; and (b) court settlements which are subject to—(i) article 51 of Schedule 1 to the 1982 Act;(ii) article 58 of the Lugano Convention; and(iii) article 58 of the Judgments Regulation.”.	Recognition and Enforcement
		rule 74.11	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(14)	(14) In rule 74.11— (a) in the opening words— (i) after “the 1982 Act”, omit the comma and insert “and”; (ii) after “the Lugano Convention”, for “or” substitute “and applications for the refusal of recognition or enforcement or suspension of any judgments under”; (b) in sub-paragraph (a)(iii), for “article 57” substitute “article 58”; and (c) in sub-paragraph (b)(iii), for “article 58” substitute “articles 59 and 60”.	Recognition and Enforcement
		rule 74.11(b)	Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015/1644, Sch 1, para 10	In rule 74.11 (authentic instruments and court settlements) 1 in paragraph (b)—(i) at the end of subparagraph (ii) omit “and”; and (ii) at the end of subparagraph (iii) insert—; and (iv) article 12 of the 2005 Hague Convention.”.	Recognition and Enforcement
		rule 74.11A	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(15)	(15) After rule 74.11, insert— “74.11A.— Adaptation of certain orders in foreign judgments subject to the Judgments Regulation (1) In this rule, an “adaptation order” means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of England and Wales pursuant to article 54 of the Judgments Regulation. (2) The court may make an adaptation order on its own initiative or on an application by any party. (3) In accordance with article 54(1) of the Judgments Regulation, an adaptation order may only result in a remedy whose legal effects are equivalent to those contained in the judgment and which does not produce such effects extending beyond those provided for under the law of England and Wales. (4) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure without an adaptation order must be made— (a) to the High Court; and (b) in accordance with Part 23.”.	Recognition and Enforcement
		rule 74.12	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 --- 74.12 Application for a certified copy of a judgment (1) This Section applies to applications— (a) to the High Court under section 10 of the 1920 Act; (b) to the High Court or to a county court under section 10 of the 1933 Act; (c) to the High Court or to a county court under section 12 of the 1982 Act; or (d) to the High Court or to a county court under article 54 of the Judgments Regulation. (2) A judgment creditor who wishes to enforce in a foreign country a judgment obtained in the High Court or in a county court must apply for a certified copy of the judgment. (3) The application may be made without notice.	Recognition and Enforcement
		rule 74.12(1)(d)	Civil Jurisdiction and Judgments Regulations 2009/3131, Reg. 44	In rule 74.12(1)(d) after “the Judgments Regulation” insert “or under article 54 of the Lugano Convention”.	Recognition and Enforcement
		rule 74.12(1)(d) and rule 74.12(2)	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(16)	(16) In rule 74.12— (a) in paragraph (1)(d), for “article 54” the first time it occurs substitute “article 53”; and (b) for paragraph (2), substitute— “(2) A judgment creditor who wishes to enforce in a foreign country a judgment obtained in the High Court or in the County Court— (a) must apply for a certified copy of the judgment; and (b) if applying under article 53 of the Judgments Regulation, must apply to the court which gave the judgment by filing a draft of the certificate in the form in Annex I to the Judgments Regulation.”.	Recognition and Enforcement
		rule 74.19	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 IV ENFORCEMENT IN ENGLAND AND WALES OF EUROPEAN COMMUNITY JUDGMENTS 74.19 Interpretation In this Section— (a) “Community judgment” means any judgment, decision or order which is enforceable under— (i) article 244 or 256 of the Treaty establishing the European Community; (ii) article 18, 159 or 164 of the Euratom Treaty; (iii) article 44 or 92 of the ECSC Treaty; or (iv) article 62 of Council Regulation (EC) 40/94 of 20 December 1993 on the Community trade mark; (b) “Euratom inspection order” means an order made by the President of the European Court, or a decision of the Commission of the [European Union] 2, under article 81 of the Euratom Treaty; (c) “European Court” means the Court of Justice of the [European Union] 2; (d) “order for enforcement” means an order under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom. (17) In rule 74.19— (a) in the definition of “Community judgment”— (i) in sub-paragraph (i), for “article 244 or 256 of the Treaty establishing the European Community” substitute “article 280 or 299 of the Treaty on the Functioning of the European Union”; (ii) in sub-paragraph (ii), omit “159”; (iii) omit sub-paragraph (iii); (iv) in sub-paragraph (iv), for “82 of Council Regulation (EC) 40/94 of 20 December 1993” substitute “86 of Council Regulation (EC) 207/2009 of 26 February 2009”; (v) at the end of sub-paragraph (iv), omit “or”; and (vi) after sub-paragraph (iv), insert— “(v) article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs; (vi) article 36a or 36b of Regulation (EC) 1060/2009 on credit rating agencies; or (vii) article 65 or 66 of Regulation (EU) 648/2012 on OTC derivatives, central counterparties and trade repositories.”; (b) in the definition of “Euratom inspection order”, for “Communities” substitute “Union”; and (c) in the definition of “European Court”, for “Communities” substitute “Union”.	Recognition and Enforcement
		rule 74.19	Civil Procedure (Amendment No. 7) Rules 2014/2948, rule 5(17)	(17) In rule 74.19— (a) in the definition of “Community judgment”— (i) in sub-paragraph (i), for “article 244 or 256 of the Treaty establishing the European Community” substitute “article 280 or 299 of the Treaty on the Functioning of the European Union”; (ii) in sub-paragraph (ii), omit “159”; (iii) omit sub-paragraph (iii); (iv) in sub-paragraph (iv), for “82 of Council Regulation (EC) 40/94 of 20 December 1993” substitute “86 of Council Regulation (EC) 207/2009 of 26 February 2009”; (v) at the end of sub-paragraph (iv), omit “or”; and (vi) after sub-paragraph (iv), insert— “(v) article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs; (vi) article 36a or 36b of Regulation (EC) 1060/2009 on credit rating agencies; or (vii) article 65 or 66 of Regulation (EU) 648/2012 on OTC derivatives, central counterparties and trade repositories.”; (b) in the definition of “Euratom inspection order”, for “Communities” substitute “Union”; and (c) in the definition of “European Court”, for “Communities” substitute “Union”.	Recognition and Enforcement
		rule 74.19	Civil Procedure (Amendment No. 5) Rules 2003/3361, rule 18(b)	18. In rule 74.19, in sub-paragraph (a)— (a) at the end of sub-paragraph (ii), omit “or”; and (b) after sub-paragraph (iv) insert— “or (v) article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs.”.	Recognition and Enforcement
		rule 74.19	Treaty of Lisbon (Changes in Terminology) Order 2011/1043, Part 2, Article 4(1)	4.— European Community – European Union (1) For references to the European Communities or to the European Community or the European Coal and Steel Community (including references to “the Communities”, “the Community”, “the EC” or “the EEC”) substitute references to the European Union. (2) Paragraph (1) does not apply to— (a) the use of “Community”, “EC” or “EEC” as an adjective (but see article 6); (b) a reference that forms part of a reference to a treaty (but see article 5).	Recognition and Enforcement
		rule 74.20	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.20 Application for registration of a Community judgment An application to the High Court for the registration of a Community judgment may be made without notice.	Recognition and Enforcement
		rule 74.21	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.21 Evidence in support (1) An application for registration must be supported by written evidence exhibiting— (a) the Community judgment and the order for its enforcement, or an authenticated copy; and (b) where the judgment is not in English, a translation of it into English— (i) certified by a notary public or other qualified person; or (ii) accompanied by written evidence confirming that the translation is accurate. (2) Where the application is for registration of a Community judgment which is a money judgment, the evidence must state— (a) the name of the judgment creditor and his address for service within the jurisdiction; (b) the name of the judgment debtor and his address or place of business, if known; (c) the amount in respect of which the judgment is unsatisfied; and (d) that the European Court has not suspended enforcement of the judgment.	Recognition and Enforcement

		rule 74.22	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.22 Registration orders (1) A copy of the order granting permission to register a Community judgment ("the registration order") must be served on every person against whom the judgment was given. (2) The registration order must state the name and address for service of the person who applied for registration, and must exhibit— (a) a copy of the registered Community judgment; and (b) a copy of the order for its enforcement. (3) In the case of a Community judgment which is a money judgment, the registration order must also state the right of the judgment debtor to apply within 28 days for the variation or cancellation of the registration under rule 74.23.	Recognition and Enforcement
		rule 74.23	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.23 Application to vary or cancel registration (1) An application to vary or cancel the registration of a Community judgment which is a money judgment on the ground that at the date of registration the judgment had been partly or wholly satisfied must be made within 28 days of the date on which the registration order was served on the judgment debtor. (2) The application must be supported by written evidence.	Recognition and Enforcement
		rule 74.24	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.24 Enforcement No steps may be taken to enforce a Community judgment which is a money judgment— (a) before the end of the period specified in accordance with rule 74.23(1); or (b) where an application is made under that rule, until it has been determined.	Recognition and Enforcement
		rule 74.25	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.25 Application for registration of suspension order (1) Where the European Court has made an order that the enforcement of a registered Community judgment should be suspended, an application for the registration of that order in the High Court is made by filing a copy of the order in the Central Office of the Supreme Court. (2) The application may be made without notice.	Recognition and Enforcement
		rule 74.26	Civil Procedure (Amendment) Rules 2002/2058, rule 29 and Sch 8, para 1	29. After Part 73, insert— (a) Part 74 (Enforcement of judgments in different jurisdictions) as set out in Schedule 8 to these Rules; and Schedule 8 74.26 Registration and enforcement of a Euratom inspection order (1) Rules 74.20, 74.21(1), and 74.22(1) and (2), which apply to the registration of a Community judgment, also apply to the registration of a Euratom inspection order but with the necessary modifications. (2) An application under article 6 of the European Communities (Enforcement of Community Judgments) Order 1972 to give effect to a Euratom inspection order may be made on written evidence, and— (a) where the matter is urgent, without notice; (b) otherwise, by claim form.	Recognition and Enforcement
		rule 74.27	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.27 Interpretation In this Section— (a) "European Enforcement Order" has the meaning given in the EEO Regulation; (b) "EEO" means European Enforcement Order; (c) "judgment", "authentic instrument", "member state of origin", "member state of enforcement", and "court of origin" have the meanings given by Article 4 of the EEO Regulation; and (d) "Regulation State" has the same meaning as "Member State" in the EEO Regulation, that is all Member States except Denmark.	Recognition and Enforcement
		rule 74.28	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.28 Certification of Judgments of the Courts of England and Wales An application for an EEO certificate must be made by filing the relevant practice form in accordance with Article 6 of the EEO Regulation.	Recognition and Enforcement
		rule 74.29	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.29 Applications for a certificate of lack or limitation of enforceability An application under Article 6(2) of the EEO Regulation for a certificate indicating the lack or limitation of enforceability of an EEO certificate must be made to the court of origin by application in accordance with Part 23.	Recognition and Enforcement
		rule 74.30	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.30 Applications for rectification or withdrawal An application under Article 10 of the EEO Regulation for rectification or withdrawal of an EEO certificate must be made to the court of origin and may be made by application in accordance with Part 23.	Recognition and Enforcement
		rule 74.31	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.31— Enforcement of European Enforcement Orders in England and Wales (1) A person seeking to enforce an EEO in England and Wales must lodge at the court in which enforcement proceedings are to be brought the documents required by Article 20 of the EEO Regulation. (2) Where a person applies— (a) to the High Court for a charging order, a writ of fieri facias or an attachment of earnings order; or (b) to the county court for a warrant of execution or an attachment of earnings order, to enforce an EEO expressed in a foreign currency, the application must contain a certificate of the sterling equivalent of the judgment sum at the close of business on the date nearest preceding the date of issue of the application. (Section 1 of the Charging Orders Act 1979 provides that the High Court only has jurisdiction to make a charging order where the amount of the original judgment exceeds the county court limit.) (Article 8 of the High Court and County Courts Jurisdiction Order 1991 provides that (1) judgments in excess of £5,000 shall only be enforced by execution against goods in the High Court (2) those in excess of £600 may be enforced in the High Court and (3) those for less than £600 shall only be enforced in the county court.)	Recognition and Enforcement
		rule 74.31	Civil Procedure (Amendment) Rules 2008/2178, rule 37 (b)	(b) for rule 74.31(2) and the two parentheses below that rule substitute— "(2) Where a person applies to enforce an EEO expressed in a foreign currency, the application must contain a certificate of the sterling equivalent of the judgment sum at the close of business on the date nearest preceding the date of the application. (Part 70 contains further rules about enforcement.)"	Recognition and Enforcement
		rule 74.32	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.32— Refusal of Enforcement (1) An application under Article 21 of the EEO Regulation that the court should refuse to enforce an EEO must be made by application in accordance with Part 23 to the court in which the EEO is being enforced. (2) The judgment debtor must, as soon as practicable, serve copies of any order made under Article 21(1) on— (a) all other parties to the proceedings and any other person affected by the order; and (b) any court in which enforcement proceedings are pending in England and Wales. (3) Upon service of the order on those persons all enforcement proceedings in England and Wales under the EEO, in respect of those persons upon whom, and those courts at which, the order has been served in accordance with paragraph (2), will cease.	Recognition and Enforcement
		rule 74.32	Civil Procedure (Amendment) Rules 2008/2178 rule 37 (c)	(c) in rule 74.32— (i) in paragraph (2)(a), after "order" insert "(the affected persons)"; (ii) in paragraph (2)(b), after "Wales" insert "(the relevant courts)"; and (iii) for paragraph (3) substitute— "(3) Upon service of the order on the affected persons, all enforcement proceedings under the EEO in the relevant courts will cease." ; and ...	Recognition and Enforcement
		rule 74.33	Civil Procedure (Amendment No.3) Rules 2005/2292, Sch 3, para 1	74.33— Stay or limitation of enforcement (1) Where an EEO certificate has been lodged and the judgment debtor applies to stay or limit the enforcement proceedings under Article 23 of the EEO Regulation, such application must be made by application in accordance with Part 23 to the court in which the EEO is being enforced. (2) The judgment debtor shall, as soon as practicable, serve a copy of any order made under the Article on— (a) all other parties to the proceedings and any other person affected by the order; and (b) any court in which enforcement proceedings are pending in England and Wales; and the order will not have effect on any person until it has been served in accordance with this rule and they have received it."	Recognition and Enforcement
		rule 74.33	Civil Procedure (Amendment) Rules 2008/2178 rule 37 (d)	(d) in rule 74.33— (i) for the heading to the rule substitute "Stay of or limitation on enforcement"; and (ii) in paragraph (1), omit "by application".	Recognition and Enforcement

		rule 74.34	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>(c) after rule 74.33 insert—</p> <p>"VI Recognition and enforcement of protection measures</p> <p>74.34 — Interpretation</p> <p>In this Section—</p> <p>(a) "Article 5 certificate" means a certificate issued under Article 5 of the Protection Measures Regulation;</p> <p>(b) "Article 8 notice" means the notification required by Article 8 of the Protection Measures Regulation;</p> <p>(c) "Article 11 notice" means the notification required by Article 11 of the Protection Measures Regulation;</p> <p>(d) "Article 14 certificate" means a certificate issued under Article 14 of the Protection Measures Regulation;</p> <p>(e) "incoming protection measure" means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;</p> <p>(f) "outgoing protection measure" means any protection measure included in any of—</p> <p>(i) an injunction issued for the purpose mentioned in section 3(3)(a) of the Protection from Harassment Act 1997;</p> <p>(ii) any other injunction or order of the County Court;</p> <p>(iii) an undertaking accepted by the County Court;</p> <p>(iv) in proceedings to which these Rules apply—</p> <p>(aa) any other injunction or order of the High Court;</p> <p>(bb) an undertaking accepted by the High Court;</p> <p>(g) "person causing the risk" has the meaning given to it in the Protection Measures Regulation;</p> <p>(h) "protected person" has the meaning given to it in the Protection Measures Regulation;</p> <p>(i) "protection measure" has the meaning given to it in the Protection Measures Regulation;</p> <p>(j) "Protection Measures Regulation" means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters 2.</p>	Recognition and Enforcement
		rule 74.35	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	74.35. Procedure for applications in this Section	Recognition and Enforcement
		rule 75.36	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>Subject to the rules in this Section, applications under the Protection Measures Regulation to the County Court or to the High Court must be made in accordance with Part 23.</p> <p>OUTGOING PROTECTION MEASURES</p> <p>74.36 — Application for an Article 5 certificate</p> <p>(1) A protected person may apply for an Article 5 certificate—</p> <p>(a) at the time of application for an injunction or other order containing an outgoing protection measure; or</p> <p>(b) at any time after such application, provided—</p> <p>(i) the order or undertaking containing the outgoing protection measure has not yet been made or accepted as the case may be; or</p> <p>(ii) the outgoing protection measure is still in force.</p> <p>(2) An application for an Article 5 certificate may be made without notice.</p>	Recognition and Enforcement
		rule 74.37	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.37.— The court to which an application for an Article 5 certificate must be made</p> <p>An application for an Article 5 certificate must be made—</p> <p>(a) where the outgoing protection measure has not yet been ordered or accepted—</p> <p>(i) to the County Court if the proceedings relating to the outgoing protection measure are before the County Court; or</p> <p>(ii) to the High Court if the proceedings relating to the outgoing protection measure are before the High Court; or</p> <p>(b) where the outgoing protection measure has been ordered or accepted—</p> <p>(i) to the County Court if that court made the order or accepted the undertaking as the case may be; or</p> <p>(ii) to the High Court if that court made the order or accepted the undertaking as the case may be.</p>	Recognition and Enforcement
		rule 74.38	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.38.— When a request for a translation of an Article 5 certificate may be made</p> <p>A protected person may request a translation of an Article 5 certificate—</p> <p>(a) at the time of application for the Article 5 certificate; or</p> <p>(b) at any time after such application, provided the Article 5 certificate—</p> <p>(i) has not yet been issued; or</p> <p>(ii) if issued, is still in force.</p>	Recognition and Enforcement
		rule 74.39	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.39.— The court to which a request for a translation of an Article 5 certificate must be made</p> <p>A request for a translation of an Article 5 certificate must be made—</p> <p>(a) if the certificate has not yet been issued, to—</p> <p>(i) the County Court if the application for the certificate is before the County Court;</p> <p>(ii) the High Court if the application for the certificate is before the High Court;</p> <p>(b) if the certificate has been issued, to—</p> <p>(i) the County Court if the County Court issued it;</p> <p>(ii) the High Court if the High Court issued it.</p>	Recognition and Enforcement
		rule 74.40	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.40.— Service requirements under Article 6</p> <p>(1) Where the outgoing protection measure is included in an order, the court may only issue an Article 5 certificate if satisfied that the order has been served on the person causing the risk in accordance with the requirements specified in rule 81.5, unless the court has dispensed with service of the order in accordance with the requirements specified in rule 81.8.</p> <p>(2) Where the protected person is responsible for serving the order on the person causing the risk, any application for an Article 5 certificate must be accompanied by a certificate of service.</p>	Recognition and Enforcement
		rule 74.41	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.41.— Notification of the certificate under Article 8</p> <p>(1) Subject to paragraph (2), Article 8 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 6 and the rules in that Section shall apply to service of the notice as they apply to any other document to be served.</p> <p>(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 8 notice must be given by sending it by registered letter with acknowledgement of receipt or confirmation of delivery or equivalent to the last known place of residence of that person.</p>	Recognition and Enforcement
		rule 74.42	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.42.— Rectification of an Article 5 certificate</p> <p>(1) An application pursuant to Article 9 of the Protection Measures Regulation for rectification of an Article 5 certificate must be made to—</p> <p>(a) the County Court if the County Court issued the certificate;</p> <p>(b) the High Court if the High Court issued the certificate.</p> <p>(2) An application for such rectification may be made by—</p> <p>(a) the protected person; or</p> <p>(b) the person causing the risk.</p> <p>(3) An Article 5 certificate may be rectified pursuant to Article 9(1)(a) of the Protection Measures Regulation by the court—</p> <p>(a) on application under this rule; or</p> <p>(b) on its own initiative.</p>	Recognition and Enforcement
		rule 74.43	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.43.— Withdrawal of an Article 5 certificate</p> <p>(1) An application pursuant to Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate must be made to—</p> <p>(a) the County Court if the County Court issued the certificate;</p> <p>(b) the High Court if the High Court issued the certificate.</p> <p>(2) An application for such withdrawal may be made by—</p> <p>(a) the protected person; or</p> <p>(b) the person causing the risk.</p> <p>(3) An Article 5 certificate may be withdrawn pursuant to Article 9(1)(b) of the Protection Measures Regulation by the court—</p> <p>(a) on application under this rule; or</p> <p>(b) on its own initiative.</p>	Recognition and Enforcement
		rule 74.44	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.44.— When an application for an Article 14 certificate may be made</p> <p>A protected person or person causing the risk may apply for an Article 14 certificate—</p> <p>(a) at the time of application to vary or set aside the order containing the outgoing protection measure, or for acceptance of a variation or setting aside of the undertaking containing the outgoing protection measure, as the case may be;</p> <p>(b) at any time after the order containing the outgoing protection measure has been varied or set aside or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, as the case may be;</p> <p>(c) at any time after an Article 5 certificate has been withdrawn under Article 9 of the Protection Measures Regulation; or</p> <p>(d) on, or at any time after, the making of an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure.</p>	Recognition and Enforcement
		rule 74.45	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>74.45.— The court to which an application for an Article 14 certificate must be made</p> <p>An application for an Article 14 certificate must be made—</p> <p>(a) if the order containing the outgoing protection measure has not yet been varied or set aside or a variation or setting aside of the undertaking containing the protection measure has not yet been accepted, as the case may be, to—</p> <p>(i) the County Court if the application for such variation or setting aside is before the County Court; or</p> <p>(ii) the High Court if the application for such variation or setting aside is before the High Court; or</p> <p>(b) if there has been an application under Article 9 of the Protection Measures Regulation for withdrawal of the Article 5 certificate, and that application has not yet been decided, to—</p> <p>(i) the County Court if the application for such withdrawal is before the County Court; or</p> <p>(ii) the High Court if the application for such withdrawal is before the High Court; or</p> <p>(c) if the order containing the outgoing protection measure has been varied or set aside, or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, to—</p> <p>(i) the County Court if the County Court ordered or accepted such variation or setting aside, as the case may be; or</p> <p>(ii) the High Court if the High Court ordered or accepted such variation or setting aside, as the case may be; or</p> <p>(d) if an Article 5 certificate has been withdrawn under Article 9, to—</p> <p>(i) the County Court if the County Court ordered such withdrawal;</p> <p>(ii) the High Court if the High Court ordered such withdrawal; or</p> <p>(e) where enforcement of the order has been stayed or suspended, to—</p> <p>(i) the County Court if the County Court made the order for the stay or suspension; or</p> <p>(ii) the High Court if the High Court made the order for the stay or suspension.</p>	Recognition and Enforcement
		rule 74.46	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	<p>INCOMING PROTECTION MEASURES</p> <p>74.46. Application for adjustment under Article 11</p> <p>A protected person may apply to the court under Article 11 of the Protection Measures Regulation to adjust the factual elements of an incoming protection measure.</p>	Recognition and Enforcement

		rule 74.47	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	74.47 — Notification of the adjustment under Article 11 (1) Subject to paragraph (2), Article 11 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 8 and the rules in that Section apply to service of the notice as they apply to any other document to be served. (2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 11 notice must be given by sending it by registered letter with acknowledgment of receipt or other confirmation of delivery or equivalent to the last known place of residence of that person.	Recognition and Enforcement
		rule 74.48	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	74.48. Enforcement of an incoming protection measure Section II of Part 81 applies to applications in relation to a breach of an incoming protection measure as if the incoming protection measure had been ordered by the County Court.	Recognition and Enforcement
		rule 74.49	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	74.49. Application for refusal of recognition or enforcement under Article 13 A person causing the risk may apply to the court under Article 13 of the Protection Measures Regulation for refusal of recognition or enforcement of an incoming protection measure.	Recognition and Enforcement
		rule 74.50	Civil Procedure (Amendment No. 8) Rules 2014/3299, rule 13(c)	74.50 — Application under Article 14(2) (1) This rule applies where an Article 14 certificate has been issued in a Member State of the European Union other than the United Kingdom or Denmark. (2) A protected person or person causing the risk may apply to the court to stay, suspend or withdraw the effects of recognition or, where applicable, the enforcement of the protection measure. (3) An application under this rule must include a copy of the Article 14 certificate issued in the other Member State. (4) On an application under this rule, the court must make such orders or give such directions as may be necessary to give effect to the Article 14 certificate.	Recognition and Enforcement
9	Civil Proceedings Fees Order 2008	Sch 1, table rows 3.5, 3.6 and 3.7	Insolvency Amendment (EU 2015/848) Regulations 2017/702, Sch 1(3), paras 54(2)(a) and (b)	Words at paragraphs 3.5, 3.6 and 3.7 of Schedule 1 substituted by Insolvency Amendment (EU 2015/848) Regulations 2017/702 Sch.1(3) para.54(2)(a) (June 26, 2017: substitution has effect subject to temporal application specified in SI 2017/702 reg.3)	Miscellaneous
10	Community Legal Service (Financial) Regulations 2000	Reg. 3(1)(g)(iii)	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 2, para 34	In regulation 3 (financial eligibility), in paragraph (1)(g)(iii), after "civil and commercial matters" insert: "as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters".	Recognition and Enforcement
		Reg. 5D	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 2, para 35	In regulation 5D (waiver of eligibility limit and contributions in cross-border disputes)— (a) omit the definition of "Member State"; and (b) in paragraph (4), after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters".	Jurisdiction
11	Criminal Justice (European Protection Order) (England and Wales) Regulations 2014	Entire SI	Transposes Directive 2011/99/EU of the European Parliament and of the Council of 13th December 2011 on the European Protection Order	Interrelates with the Protection from Harassment Act 1997. "Protection measure" = decision or order of a court in England and Wales when dealing with a criminal cause or matter, in which one or more of the following prohibitions or restrictions are placed on an individual— (a) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits; (b) a prohibition or restriction of contact with the protected person by any means (including by telephone, post, facsimile transmission or electronic mail); (c) a prohibition or restriction preventing the individual from approaching the protected person whether at all or to within a particular distance; A person who benefits from a protection measure who decides to live in another MS can apply for a European Protection Order. Similarly, a MS can request recognition of a European Protection Order, and the English court must give effect to it by making a restraining order under s 5 of the Protection from Harassment Act 1997. English court must also give effect to a modified EPO with a variation to the restraining order under s. 5 of PFH Act 1997.	Protection Measures
12	European Communities (Enforcement of Community Judgments) Order 1972	Entire SI	Directly applicable. Note: this order is not family law specific.	Sets out a procedure for enforcement in the High Court of judgments of the court (ECJ) and institutions of the then EC (and other related committees/bodies e.g. European Atomic Energy Committee) which impose a pecuniary obligation on persons other than Member States. Amended by Order 1998/1259 and 2003/3240.	Enforcement
		Reg. 2	European Communities (Enforcement of Community Judgments) (Amendment) Order 1998/1259, Article 2	The European Communities (Enforcement of Community Judgments) Order 1972 is amended by inserting in paragraph (1) of article 2 in the definition of "Community judgment" after the words "E.C.S.C. Treaty" the words "or Article 82 of Regulation 40/94 of 20 December 1993 on the community trade mark".	Enforcement
		Reg. 2	European Communities (Enforcement of Community Judgments) (Amendment) Order 1998/1259, Article 2	2— (1) The European Communities (Enforcement of Community Judgments) Order 1972 is amended as follows. (2) In Article 2(1) there shall be inserted in the definition of "Community judgment" after the words "community trade mark" the words "or Article 71 of Regulation 6/2002 of 12 December 2001 on Community designs".	Enforcement
		Reg. 2	Credit Rating Agencies (Amendment) Regulations 2011/1435, Reg. 2	2. Amendment of the European Communities (Enforcement of Community Judgments) Order 1972 At the end of the definition of "Community judgment" in article 2(1) of the European Communities (Enforcement of Community Judgments) Order 1972 1, insert "or Article 36a or 36b of Regulation (EC) No. 1060/2009 of the Parliament and of the Council of 16 September 2009 on credit rating agencies".	Enforcement
		Reg. 2	Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013/504, Part 8, Reg. 27(2)	27— Amendment to the European Communities (Enforcement of Community Judgments) Order 1972 (1) The European Communities (Enforcement of Community Judgments) Order 1972 1 is amended as follows. (2) At the end of the definition of "Community judgment" in article 2(1), insert "or Article 65 or 66 of Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories".	Enforcement
		Reg. 3	Administration of Justice Act 1977, Sch 5(i), para 1	Revoked Reg. 3(2)	Enforcement
13	European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001	Reg. 11	These are principally amending regulations but there is one standalone provision regarding the applicability of the changes to the Domicile and Matrimonial Proceedings Act 1973 to proceedings commenced before March 2001.	11. The amendments to the Domicile and Matrimonial Proceedings Act 1973 made by regulations 3 and 4 shall not apply in respect of proceedings commenced before 1st March 2001.	Miscellaneous / Jurisdiction
14	Family Court (Composition and Distribution of Business) Rules 2014	Part 5, para 12A	Added by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 3	12A. Interpretation of this Part In this Part "incoming protection measure" means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark; "protection measure" has the meaning given to it in the Protection Measures Regulation; "Protection Measures Regulation" means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters.	Protection Measures
		Part 5, paras 16 (3)(xv) and (xvi)	Added by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 4(a)(ii)	(xv) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (xii); or (xvi) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure except where the applicant is aged under 18;	Protection Measures
		Part 5, paras 16(5)(c) and 16(5)(d)	Added by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 4(b)(ii)	(c) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (a) or (b); (d) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure where the applicant is aged under 18	Protection Measures
		Sch 1, para 1(p)	Inserted by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 5(a)(ii)	(p) Council Regulation (EC) No. 4/2009 (known as the Maintenance Regulation) - Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations, including as applied to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.	Protection Measures
		Sch 1, para 1(q)	Inserted by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 5(a)(ii)	(q) the Protection Measures Regulation for enforcement of an incoming protection measure.	Protection Measures
		Sch 1, para 4(g)	Inserted by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 5(b)(ii)	(g) Article 13 of the Protection Measures Regulation.	Protection Measures
		Sch 2, Table 3, para 6	Inserted by Family Court (Composition and Distribution of Business) (Amendment) Rules 2014/3297, rule 6	Remedies which may not be granted by lay justices, judges of district judge level or judges of circuit judge level in the family court..... Order under Article 13 of the Protection Measures Regulation refusing to recognise or enforce an incoming protection measure.	Protection Measures
15	Family Procedure Rules 2010				
	Family Procedure Rules 2010	rule 2.3		"the 1980 Hague Convention" means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25 October 1980; "the 1984 Act" means the Matrimonial and Family Proceedings Act 1984;	Child Abduction
		rule 2.3		"the 1996 Hague Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children;	Child Abduction
		rule 2.3	Family Procedure (Amendment No 4) Rules 2012 2012/2806 4(a)	"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 23 November 2007	Maintenance
		rule 2.3	Family Procedure (Amendment No 4) Rules 2012 2012/2806 4(b)	"Article 11 form" means a form published by the Permanent Bureau of the Hague Conference under Article 11(4) of the 2007 Hague Convention for use in relation to an application under Article 10 of that Convention, and includes a Financial Circumstances Form as defined in rule 9.3(1) which accompanies such an application;	Maintenance
		rule 2.3	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s 3(a)(i)	"incoming protection measure" means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;	Protection Measures

		rule 2.3	Family Procedure (Amendment) Rules 2011/1328, s 4(b)	"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations, including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;	Maintenance
		rule 2.3	Family Procedure (Amendment No 4) Rules 2014 2014/3296 rule 3(a)(ii)	"protection measure" has the meaning given to it in the Protection Measures Regulation;	Protection Measures
		rule 2.3	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s 3(a)(ii)	"Protection Measures Regulation" means the Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters;	Protection Measures
		rule 2.3		"section 89 order" means an order made by the High Court under section 89 of the 2002 Act— (a) annulling a Convention adoption or Convention adoption order;	International Adoption
		rule 2.3		"the Service Regulation" means Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters;	Service
		rule 3A.1	Family Procedure (Amendment No 3) Rules 2017/1033, r 3	In this Part— "child" means a person under the age of 18 years whether or not the child is the subject of the proceedings, except that— (a) in adoption proceedings, it also includes a person who is the subject of proceedings and has attained the age of 18 years before the proceedings are concluded; and (b) in proceedings brought under Article 11 of the Council Regulation, the 1980 Hague Convention or the European Convention, it means a person under the age of 16 years who is the subject of proceedings;	Child Abduction
		rule 5.1(5)	Family Procedure (Amendment) Rules 2011 2011/1328 s 5	Paragraph (2) does not apply to the forms annexed to the Maintenance Regulation, or to an Article 11 form.	Maintenance
		rule 5.3(3)	Family Procedure (Amendment No 4) Rules 2012 2012/2806, s 6	(3) Where the application is made under Article 56 of the Maintenance Regulation, or under Article 10 of the 2007 Hague Convention, the applicant is deemed to have requested the issue of the application by virtue of making the application for establishment or modification of a maintenance decision forwarded on his or her behalf by the Lord Chancellor. The Lord Chancellor is the Central Authority for England and Wales in relation to the 2007 Hague Convention and the Maintenance Regulation	Maintenance
		rule 6.11(2)		(2) Subject to the provisions of Chapter 4 of this Part, where a solicitor acting for the respondent has notified the applicant in writing that the solicitor is instructed by the respondent to accept service of the application on behalf of the respondent at a business address within any EEA state, the application must be served at the business address of that solicitor. ("Solicitor" has the extended meaning set out in rule 6.2 and "EEA state" is defined in Schedule 1 to the Interpretation Act 1978.)	Service
		rule 6.26(2)		(2) Subject to paragraph (4), a party's address for service must be— (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or (b) where there is no solicitor acting for the party to be served, an address within the United Kingdom at which the party resides or carries on business. ("EEA state" is defined in Schedule 1 to the Interpretation Act 1978.)	Service
		rule 6.40		"the Hague Convention" means the Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters signed at the Hague on November 15, 1965.	Service
		rule 6.42(2)		(2) Where the applicant serves an application on a respondent in— (a) Scotland or Northern Ireland; or (b) a Member State or Hague Convention country within Europe, the period for filing an acknowledgment of service or an answer to an application is 21 days after service of the application.	Service
		rule 6.42(3)		(3) Where the applicant serves an application on a respondent in a Hague Convention country outside Europe, the period for filing an acknowledgment of service or an answer to an application is 31 days after service of the application.	Service
		rule 6.42(4)		(4) Where the applicant serves an application on a respondent in a country not referred to in paragraphs (2) and (3), the period for filing an acknowledgment of service or an answer to an application is set out in Practice Direction 6B.	Service
		rule 6.43(3)		(3) Where the applicant wishes to serve an application form, or other document, on a respondent out of the United Kingdom, it may be served by any method— (a) provided for by— (i) rule 6.44 (service in accordance with the Service Regulation);	Service
		rule 6.44(1)		(1) This rule applies where the applicant wishes to serve the application form, or other document, in accordance with the Service Regulation.	Service
		rule 6.44(2)		(2) The applicant must file— (a) the application form or other document; (b) any translation; and (c) any other documents required by the Service Regulation.	Service
		rule 6.44(3)		(3) When the applicant files the documents referred to in paragraph (2), the court officer will— (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form; and (b) forward the documents to the Senior Master of the Queen's Bench Division.	Procedure / Service
		rule 6.44(4)	Family Procedure (Amendment) Rules 2011/1328, s 6	(4) In addition to the documents referred to in paragraph (2), the applicant may file a photograph of the person to be served if the applicant considers that it would assist in ensuring effective service. (The Service Regulation is annexed to Practice Direction 6B.) (Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States.)	Procedure / Service
		rule 6.45(1)		(1) Where the applicant wishes to serve an application form, or other document, on a respondent in any country which is a party to the Hague Convention, it may be served— (a) through the authority designated under the Hague Convention in respect of that country; or (b) if the law of that country permits— (i) through the judicial authorities of that country; or (ii) through a British Consular authority in that country.	Hague / Service
		rule 6.45(4)		(4) This rule does not apply where service is to be effected in accordance with the Service Regulation.	Service
		rule 6.46(1)		(1) This rule applies where the applicant wishes to serve an application form, or other document, under rule 6.45(1) or (2).	Service
		rule 6.46(2)		(2) Where this rule applies, the applicant must file— (a) a request for service of the application form, or other document, by specifying one or more of the methods in rule 6.45(1) or (2); (b) a copy of the application form or other document; (c) any other documents or copies of documents required by Practice Direction 6B; and (d) any translation required under rule 6.47.#	Service
		rule 6.46(3)		(3) When the applicant files the documents specified in paragraph (2), the court officer will— (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form or other document; and (b) forward the documents to the Senior Master of the Queen's Bench Division.	Service
		rule 6.46(4)		(4) The Senior Master will send documents forwarded under this rule— (a) where the application form, or other document, is being served through the authority designated under the Hague Convention, to that authority; or (b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the application form or other document to be served.	Service
		rule 6.46(5)		(5) An official certificate which— (a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance; (b) states, where more than one method is requested under paragraph (2)(a), which method was used; and (c) is made by— (i) a British Consular authority in the country where the method requested under paragraph (2) (a) was performed; (ii) the government or judicial authorities in that country; or (iii) the authority designated in respect of that country under the Hague Convention, is evidence of the facts stated in the certificate.	Service
		rule 6.46(6)		(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.	Service
		rule 6.47		(This rule does not apply to service in accordance with the Service Regulation which contains its own provisions about the translation of documents.)	Service
		rule 7.27(2)		(2) Where at any time after the making of an application under this Part it appears to the court in matrimonial proceedings that, under Articles 16 to 19 of the Council Regulation, the court does not have jurisdiction to hear the application and is or may be required to stay the proceedings, the court will— (a) stay the proceedings; and (b) fix a date for a hearing to determine the questions of jurisdiction and whether there should be a further stay or other order.	Jurisdiction
		rule 7.27(3)		(3) The court must give reasons for its decision under Articles 16 to 19 of the Council Regulation and, where it makes a finding of fact, state such finding of fact.	Jurisdiction
		rule 7.27(4)		(4) An order under Article 17 of the Council Regulation that the court has no jurisdiction over the proceedings will be recorded by the court or the court officer in writing.	Jurisdiction
		rule 9.3(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s 7	"Financial Circumstances Form" means the Financial Circumstances Form published by the Permanent Bureau of the Hague Conference under Article 11(4) of the 2007 Hague Convention for use in relation to applications under Article 10 of that Convention;	Maintenance
		rule 9.3(3)	Family Procedure (Amendment) Rules 2011/1328, s 7; Family Procedure (Amendment No 4) Rules 2012 2012/2806 s 7	(3) (a) Where an application is made under Article 56 of, and using the form in Annex VII to, the Maintenance Regulation, references in this Part to "financial statement" apply to the applicant as if for the words "financial statement" were substituted "the form in Annex VII to the Maintenance Regulation" (b) Sub-paragraph (a) does not apply where the relief sought includes relief which is of a type to which the Maintenance Regulation does not apply.	Maintenance
		rule 9.3(3)(aa)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s 7(b)(i)	(aa) where an application for establishment or modification of maintenance is made under Article 10 of the 2007 Hague Convention, references in this Part to "financial statement" apply to the applicant as if for "financial statement" there were substituted "Financial Circumstances Form";	Maintenance

	rule 9.3(3)(b)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s7(b)(ii)(aa)	(b) Sub-paragraphs (a) and (aa) do not apply where the relief sought includes relief which is of a type to which the Maintenance Regulation or the 2007 Hague Convention, as the case may be, does not apply.	Maintenance
	rule 9.12(4)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s8; Family Procedure (Amendment) Rules 2011/1328, s 8	(4) In relation to an application to which the Maintenance Regulation or the 2007 Hague Convention applies, where the applicant does not already know the address of the respondent at the time the application is issued, paragraph (2) does not apply and the court will serve the application in accordance with paragraph (1).	Service
	rule 9.14 (2ZA)	Family Procedure (Amendment No 2) Rules 2014/667, s8	(2ZA) Paragraph (2A) applies where the court has determined that the procedure in this Chapter should apply to an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention.	Maintenance
	rule 9.14(2A)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s9; Family Procedure (Amendment) Rules 2011/1328, s 9	(2A) The requirement of paragraph (2)(a) relating to verification by a statement of truth does not apply to the financial statement of either party where the application has been made under— (a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or (b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form, and the relief sought is limited to a type to which that Regulation or that Convention, as appropriate, applies, but the court may at any time direct that the financial statement of either party shall be verified by a statement of truth.	Maintenance
	rule 9.18 (A1)	Family Procedure (Amendment No 2) Rules 2014/667, s9	(iv) Article 56 of the Maintenance Regulation; or (v) Article 10 of the 2007 Hague Convention;	Maintenance
	rule 9.18(4)	Family Procedure (Amendment) Rules 2011/1328, s10 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s10	(4) The requirement in paragraph (1)(b)(iii) for the court officer to send a blank financial statement to the applicant does not apply where the application has been made under— (a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or (b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form.	Maintenance
	rule 9.18(5)	Family Procedure (Amendment) Rules 2011/1328, s10 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s10	(5) In relation to an application to which the Maintenance Regulation or the 2007 Hague Convention applies, where the applicant does not already know the address of the respondent at the time the application is issued, paragraph (2) does not apply and the court will serve the application in accordance with paragraph (1).	Maintenance
	rule 9.18(A)	The Family Procedure (Amendment No.3) Rules 2013 (29)	This rule applies if the applicant wishes to seek a direction from the court that the procedure in Chapter 4 of this Part should apply to an application for an order in proceedings referred to in rule 9.18(A1). (2) The application for the order must state— (a) that the applicant seeks a direction that the procedure in Chapter 4 of this Part should apply; and (b) the applicant's reasons for seeking such a direction. (3) The court will— (a) determine without notice to the parties and before the first hearing whether the procedure in Chapter 4 or Chapter 5 of this Part should apply to the application; and (b) notify the parties of its determination and any directions made in consequence of that determination.	Maintenance
	rule 9.19(2A)	Family Procedure (Amendment) Rules 2011/1328, s11 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s11	(2A) The requirement of paragraph (2)(a) relating to verification by statement of truth does not apply to the financial statement of either party where the application has been made under— (a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or (b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form, but the court may at any time direct that the financial statement of either party shall be verified by a statement of truth.	Maintenance
	rule 9.22(1)	Family Procedure (Amendment) Rules 2011/1328, s12; and The Family Procedure (Amendment No.3) Rules 2013 (31)(b)	(1) This rule applies where a person makes an application . . . for a maintenance order, or for the variation or the revocation of a maintenance order, in relation to which the court has jurisdiction by virtue of the 1982 Act, the Lugano Convention, the 1988 Convention or the Maintenance Regulation, and the respondent is outside the United Kingdom.	Maintenance
	rule 9.22(2)	Family Procedure (Amendment) Rules 2011/1328, s12	(2) Where the respondent does not enter an appearance and is not represented at the hearing— (a) the court will apply the provisions of Article 20 of the 1968 Convention, Article 20 of the 1988 Convention, Article 26 of the Lugano Convention, or Article 11 of the Maintenance Regulation as appropriate; (b) where the court proceeds to hear the application having applied the appropriate provision referred to in sub-paragraph (a), the court will take into account any written representations made and any evidence given by the respondent under these rules.	Maintenance
	rule 9.22(4)	Family Procedure (Amendment) Rules 2011/1328, s12; and The Family Procedure (Amendment No.3) Rules 2013 (31)(b)	(4) In this rule— (a) "the 1982 Act", "the Lugano Convention" and "the 1988 Convention" have the meanings given to them in rule 34.1(2); (b) "the 1988 Convention" has the meaning given to it in the Civil Jurisdiction and Judgments Act 1982.	Maintenance
	rule 9.25	The Family Procedure (Amendment No.3) Rules 2013 (33)	Where proceedings may be heard 9.25 (1) Paragraph (2) applies to an application – (a) for a financial order; (b) under Part 3 of the 1984 Act; or (c) under Schedule 7 to the 2004 Act. (2) An application mentioned in paragraph (1) must be heard – (a) Omitted (b) where the case is proceeding in the High Court – (i) at the Royal Courts of Justice; or (ii) in matrimonial or civil partnership proceedings, any court at which sittings of the High Court are authorised.	Maintenance
	rule 9.26A(1)	Family Procedure (Amendment) Rules 2011/1328, s13 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s12	(1) This rule applies to applications for maintenance where a question as to jurisdiction arises under— (a) the 1968 Convention; (b) the 1988 Convention; (c) the Lugano Convention; . . . (d) the Maintenance Regulation; or (e) Article 18 of the 2007 Hague Convention.	Maintenance / Jurisdiction
	rule 9.26A(2)	Family Procedure (Amendment) Rules 2011/1328, s13	(2) If at any time after the issue of the application it appears to the court that it does not or may not have jurisdiction to hear an application, or that under the instruments referred to in paragraph (1) it is or may be required to stay the proceedings or to decline jurisdiction, the court must— (a) stay the proceedings, and (b) fix a date for a hearing to determine jurisdiction or whether there should be a stay or other order.	Procedure / Jurisdiction
	rule 9.26A(3)	Family Procedure (Amendment) Rules 2011/1328, s13	(3) The court officer will serve notice of the hearing referred to at paragraph (2)(b) on the parties to the proceedings.	Procedure / Jurisdiction
	rule 9.26A(4)	Family Procedure (Amendment) Rules 2011/1328, s13	(4) The court must, in writing— (a) give reasons for its decision under paragraph (2), and (b) where it makes a finding of fact, state such finding.	Procedure / Jurisdiction
	rule 9.26A(5)	Family Procedure (Amendment) Rules 2011/1328, s13	(5) The court may with the consent of all the parties deal with any question as to the jurisdiction of the court, or as to whether the proceedings should be stayed, without a hearing.	Procedure / Jurisdiction
	rule 9.26A(6)		(6) In this rule— (a) "the 1988 Convention" has the meaning given to it in the Civil Jurisdiction and Judgments Act 1982; (b) "the 1988 Convention" and "the Lugano Convention" have the meanings given to them in rule 34.1(2).	Procedure / Jurisdiction
	rule 9.26AA(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s13	(1) Where the Lord Chancellor requests information or a document from the court officer for the relevant court for the purposes of Article 58 of the Maintenance Regulation or Articles 12 or 25(2) of the 2007 Hague Convention, the court officer shall provide the requested information or document to the Lord Chancellor forthwith.	Procedure / Maintenance
	rule 9.26AA(2)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s13	(2) In this rule, "relevant court" means the court at which an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention has been filed. The Lord Chancellor is the Central Authority for England and Wales in relation to the 2007 Hague Convention and the Maintenance Regulation	Procedure / Maintenance
	rule 10.11(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s9	"(c) a warrant of arrest issued on an application for enforcement of an incoming protection measure. (The Civil Jurisdiction and Judgments (Protection Measures) Regulations 2014 make provision in relation to the powers of the family court and the High Court to enforce incoming protection measures under the Protection Measures Regulation.)	Protection Measures
	rule 12.1(1)		(e) proceedings relating to child abduction and the recognition and enforcement of decisions relating to custody under the European Convention; (f) proceedings relating to the Council Regulation or the 1996 Hague Convention in respect of children; and.....(Part 31 sets out the procedure for making applications for recognition and enforcement of judgments under the Council Regulation or the 1996 Hague Convention.)	Child abduction / recognition and enforcement
	rule 12.2		(The 1980 Hague Convention, the 1996 Hague Convention, the Council Regulation, and the European Convention are defined in rule 2.3.)	Miscellaneous

		rule 12.3(1)		<p>Proceedings for --- Applicants --- Respondents</p> <p>An order in respect of a child under the 1980 Hague Convention. --- Any person, institution or body who claims that a child has been removed or retained in breach of rights of custody or claims that there has been a breach of rights of access in relation to the child. --- The person alleged to have brought the child into the United Kingdom; the person with whom the child is alleged to be; any parent or guardian of the child who is within the United Kingdom and is not otherwise a party; any person in whose favour a decision relating to custody has been made if that person is not otherwise a party; and any other person who appears to the court to have sufficient interest in the welfare of the child.</p> <p>An order concerning the recognition and enforcement of decisions relating to custody under the European Convention. --- Any person who has a court order giving that person rights of custody in relation to the child. --- As above.</p> <p>An application for the High Court to request transfer of jurisdiction under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention (rule 12.65). --- Any person with sufficient interest in the welfare of the child and who would be entitled to make a proposed application in relation to that child, or who intends to seek the permission of the court to make such application if the transfer is agreed. --- As directed by the court in accordance with rule 12.65.</p> <p>An application under rule 12.71 for a declaration as to the existence, or extent, of parental responsibility under Article 16 of the 1996 Convention. --- Any interested person including a person who holds, or claims to hold, parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom. --- Every person whom the applicant believes to have parental responsibility for the child.</p> <p>An application under rule 12.71 for a declaration as to the existence, or extent, of parental responsibility under Article 16 of the 1996 Convention. --- Any person whom the applicant believes to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and where the child is the subject of a care order, every person whom the applicant believes to have had parental responsibility immediately prior to the making of the care order.</p>	Procedure / Jurisdiction
		rule 12.4(1)		<p>(1) This rule applies where a child is subject to proceedings to which this Part applies and—</p> <p>(a) a person holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and</p> <p>(b) that person is not otherwise required to be joined as a respondent under rule 12.3.</p>	Procedure / Child Abduction
		rule 12.12		(Rule 12.48 provides for directions in proceedings under the 1980 Hague Convention and the European Convention.)	Procedure
		rule 12.14(10)		<p>(10) Nothing in this rule affects the provisions of Article 18 of the Council Regulation in cases to which that provision applies.</p> <p>(The Council Regulation makes provision in Article 18 for the court to stay proceedings where the respondent is habitually resident in another Member State of the European Union and has not been adequately served with the proceedings as required by that provision.)</p>	Jurisdiction
		rule 12.16	-	(Rule 12.47 provides for without-notice applications in proceedings under Chapter 6, section 1 of this Part. (proceedings under the 1980 Hague Convention and the European Convention).)	Procedure / Child Abduction
		rule 12.43	Family Procedure (Amendment) (No 5) Rules 2012/3061, 5	<p>This Chapter applies to—</p> <p>(a) children proceedings under the 1980 Hague Convention or the European Convention; and</p> <p>(b) applications relating to the Council Regulation or the 1996 Hague Convention in respect of children.</p>	Child Abduction
		rule 12.44		<p>"Contracting State" has the meaning given in—</p> <p>(a) section 2 of the 1985 Act in relation to the 1980 Hague Convention; and</p> <p>(b) section 13 of the 1985 Act in relation to the European Convention; and</p> <p>"decision relating to custody" has the same meaning as in the European Convention.</p> <p>(The "1980 Hague Convention" and the "the European Convention" are defined in rule 2.3)</p>	Child Abduction
		rule 12.45		<p>Every application under the 1980 Hague Convention or the European Convention must be—</p> <p>(a) made in the High Court and issued in the principal registry; and</p> <p>(b) heard by a Judge of the High Court unless the application is;</p> <p>(i) to join a respondent; or</p> <p>(ii) to dispense with service or extend the time for acknowledging service.</p>	Procedure / Jurisdiction / Child Abduction
		rule 12.52(1)(b)		(b) "rights of custody" has the same meaning as in the 1980 Hague Convention.	Jurisdiction
		rule 12.52(2)		(2) Where a party to proceedings under the 1980 Hague Convention knows that an application relating to the merits of rights of custody is pending in or before a relevant authority, that party must file within the proceedings under the 1980 Hague Convention a concise statement of the nature of that application, including the relevant authority in or before which it is pending.	Procedure / Child Abduction
		rule 12.52(3)		(3) On receipt of a statement filed in accordance with paragraph (2) above, a court officer will notify the relevant authority in or before which the application is pending and will subsequently notify the relevant authority of the result of the proceedings.	Procedure / Child Abduction
		rule 12.52(4)		<p>(4) On receipt by the relevant authority of a notification under paragraph (3) from the High Court or equivalent notification from the Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man—</p> <p>(a) all further proceedings in the action will be stayed unless and until the proceedings under the 1980 Hague Convention in the High Court, Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man are dismissed; and</p> <p>(b) the parties to the action will be notified by the court officer of the stay(GL) and dismissal.</p>	Procedure / Jurisdiction / Child Abduction
		rule 12.53(1)		<p>(1) A person who—</p> <p>(a) is a party to—</p> <p>(i) proceedings under section 16 of the 1985 Act; or</p> <p>(ii) proceedings as a result of which a decision relating to custody has been registered under section 16 of the 1985 Act; and</p> <p>(b) knows that an application is pending under—</p> <p>(i) section 20(2) of the 1985 Act;</p> <p>(ii) Article 21(2) of the Child Abduction and Custody (Jersey) Law 2005; or</p> <p>(iii) section 42(2) of the Child Custody Act 1987 (an Act of Tynwald)</p> <p>must file within the proceedings under section 16 of the 1985 Act a concise statement of the nature of the pending application.</p>	Jurisdiction
		rule 12.53(2)		(2) On receipt of a statement filed in accordance with paragraph (1) above, a court officer will notify the relevant authority in or before which the application is pending and will subsequently notify the relevant authority of the result of the proceedings.	Jurisdiction
		rule 12.53(3)		(3) On receipt by the relevant authority of a notification under paragraph (2) from the High Court or equivalent notification from the Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man, the court officer will notify the parties to the action.	Jurisdiction
		rule 12.55(1)(b)		(b) are subsequently varied or revoked by an authority in the Contracting State in which they were made.	Recognition
		rule 12.57		At any stage in proceedings under the European Convention the court may, if it has reason to believe that any person may have relevant information about the child who is the subject of those proceedings, order that person to disclose such information and may for that purpose order that the person attend before it or file affidavit evidence.	Child Abduction
		rule 12.58(1)		<p>"Contracting State" means a State party to the 1996 Hague Convention;</p> <p>"judgment" has the meaning given in Article 2(4) of the Council Regulation;</p> <p>"Member State" means a Member State bound by the Council Regulation or a country which has subsequently adopted the Council Regulation;</p> <p>"parental responsibility" has the meaning given in—</p> <p>(a) Article 2(7) of the Council Regulation in relation to proceedings under that Regulation; and</p> <p>(b) Article 1(2) of the 1996 Hague Convention in relation to proceedings under that Convention; and</p> <p>"seised" has the meaning given in Article 16 of the Council Regulation.</p>	Jurisdiction
		rule 12.58(2)		(2) In rules 12.59 to 12.70, references to the court of another member State or Contracting State include authorities within the meaning of "court" in Article 2(1) of the Council Regulation, and authorities of Contracting States which have jurisdiction to take measures directed to the protection of the person or property of the child within the meaning of the 1996 Hague Convention.	Jurisdiction
		rule 12.59(1)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	<p>(1) Where the court makes an order for the non-return of a child under Article 13 of the 1980 Hague Convention, it must immediately transmit the documents referred to in Article 11(6) of the Council Regulation—</p> <p>(a) directly to the court with jurisdiction or the central authority in the Member State where the child was habitually resident immediately before the wrongful removal to, or wrongful retention in, England and Wales; or</p> <p>(b) to the domestic Central Authority for onward transmission to the court with jurisdiction or the central authority in the other Member State mentioned in sub-paragraph (a).</p>	Child Abduction
		rule 12.59(2)		(2) The documents required by paragraph (1) must be transmitted by a method which, in the case of direct transmission to the court with jurisdiction in the other Member State, ensures and, in any other case, will not prevent, their receipt by that court within one month of the date of the non-return order.	Child Abduction
		rule 12.60(1)		(1) This rule applies where the court receives an order made by a court in another Member State for the non-return of a child.	Child Abduction
		rule 12.60(2)		(2) In this rule, the order for non-return of the child and the papers transmitted with that order from the court in the other Member State are referred to as "the non-return order".	Child Abduction
		rule 12.60(3)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	<p>(3) Where, at the time of receipt of the non-return order, the court is already seised of a question of parental responsibility in relation to the child,—</p> <p>(a) the court officer shall immediately—</p> <p>(i) serve copies of the non-return order on each party to the proceedings in which a question of parental responsibility in relation to the child is at issue; and</p> <p>(ii) where the non-return order was received directly from the court or the central authority in the other Member State, transmit to the domestic Central Authority a copy of the non-return order.</p> <p>(b) the court shall immediately invite the parties to the 1980 Hague Convention proceedings to file written submissions in respect of the question of custody by a specified date, or to attend a hearing to consider the future conduct of the proceedings in the light of the non-return order.</p>	Procedure / Jurisdiction / Child Abduction

		rule 12.60(4) 5	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(4) Where, at the time of receipt of the non-return order, the court is not already seised of the question of parental responsibility in relation to the child, it shall immediately— (a) open a court file in respect of the child and assign a court reference to the file; (b) serve a copy of the non-return order on each party to the proceedings before the court in the Member State which made that order; (c) invite each party to file, within 3 months of notification to that party of receipt of the non-return order, submissions in the form of— (i) an application for an order under— (aa) the 1989 Act; or (bb) (in the High Court only) an application under the inherent jurisdiction in respect of the child; or (ii) where permission is required to make an application for the order in question, an application for that permission; (d) where the non-return order was received directly from the court or central authority in the other Member State, transmit to the domestic Central Authority a copy of the non-return order.	Procedure / Jurisdiction / Child Abduction
		rule 12.60(5)		(5) In a case to which paragraph (4) applies where no application is filed within the 3 month period provided for by paragraph (4)(c) the court must close its file in respect of the child. (Enforcement of a subsequent judgment requiring the return of the child, made under Article 11(8) by a court examining custody of the child under Article 11(7), is dealt with in Part 31 below.)	Procedure / Jurisdiction / Child Abduction
		rule 12.61(1)		(1) Where the court is considering the transfer of proceedings to the court of another Member State or Contracting State under rules 12.62 to 12.64 it will— (a) fix a date for a hearing for the court to consider the question of transfer; and (b) give directions as to the manner in which the parties may make representations.	Procedure / Jurisdiction / Child Abduction
		rule 12.61(2)		(2) The court may, with the consent of all parties, deal with the question of transfer without a hearing.	Procedure / Jurisdiction / Child Abduction
		rule 12.61(3)		(3) Directions which are in force immediately prior to the transfer of proceedings to a court in another Member State or Contracting State under rules 12.62 to 12.64 will continue to apply until the court in that other State accepts jurisdiction in accordance with the provisions of the Council Regulation or the 1996 Hague Convention (as appropriate), subject to any variation or revocation of the directions.	Procedure / Jurisdiction / Child Abduction
		rule 12.61(4)		(4) The court or court officer will— (a) take a note of the giving, variation or revocation of directions under this rule; and (b) as soon as practicable serve a copy of the directions order on every party.	Procedure / Child Abduction
		rule 12.61(5)		(5) A register of all applications and requests for transfer of jurisdiction to or from another Member State or Contracting State will be kept by the principal registry.	Procedure / Child Abduction
		rule 12.62(1)		(1) A party may apply to the court under Article 15(1) of the Council Regulation or under Article 8(1) of the 1996 Hague Convention— (a) to stay the proceedings or a specified part of the proceedings and to invite the parties to introduce a request before a court of another Member State or Contracting State; or (b) to make a request to a court of another Member State or another Contracting State to assume jurisdiction for the proceedings, or a specified part of the proceedings.	Procedure / Jurisdiction / Child Abduction
		rule 12.62(2)		(2) An application under paragraph (1) must be made— (a) to the court in which the relevant parental responsibility proceedings are pending; and (b) using the Part 18 procedure.	Procedure / Child Abduction
		rule 12.62(3)		(3) The applicant must file the application notice and serve it on the respondents— (a) where the application is also made under Article 11 of the Council Regulation, not less than 5 days; and (b) in any other case, not less than 42 days, before the hearing of the application.	Procedure / Child Abduction
		rule 12.63(1)		(1) This rule applies where a court of another Member State or another Contracting State makes an application under Article 15(2)(c) of the Council Regulation or under Article 9 of the 1996 Hague Convention that the court having jurisdiction in relation to the proceedings transfer the proceedings or a specific part of the proceedings to the applicant court.	Jurisdiction / Child Abduction
		rule 12.63(2)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(2) When the court receives the application, the court officer will— (a) as soon as practicable, notify the domestic Central Authority of the application; and (b) serve the application, and notice of the hearing on all other parties in England and Wales not less than 5 days before the hearing of the application.	Procedure / Child Abduction
		rule 12.64(1)		(1) The court having jurisdiction in relation to the proceedings may exercise its powers of its own initiative under Article 15 of the Council Regulation or Article 8 of the 1996 Hague Convention in relation to the proceedings or a specified part of the proceedings.	Jurisdiction
		rule 12.64(2)		(2) Where the court proposes to exercise its powers, the court officer will give the parties not less than 5 days' notice of the hearing.	Procedure
		rule 12.65(1)		(1) An application for the court to request transfer of jurisdiction in a matter concerning a child from another Member State or another Contracting State under Article 15 of the Council Regulation, or Article 9 of the 1996 Hague Convention (as the case may be) must be made to the principal registry and heard in the High Court.	Jurisdiction
		rule 12.65(2)		(2) An application must be made without notice to any other person and the court may give directions about joining any other party to the application.	Procedure / Jurisdiction
		rule 12.65(3)		(3) Where there is agreement between the court and the court or competent authority to which the request under paragraph (1) is made to transfer the matter to the courts of England and Wales, the court will consider with that other court or competent authority the specific timing and conditions for the transfer.	Procedure / Jurisdiction
		rule 12.65(4)		(4) Upon receipt of agreement to transfer jurisdiction from the court or other competent authority in the Member State, or Contracting State to which the request has been made, the court officer will serve on the applicant a notice that jurisdiction has been accepted by the courts of England and Wales.	Procedure / Jurisdiction
		rule 12.65(5)		(5) The applicant must attach the notice referred to in paragraph (3) to any subsequent application in relation to the child.	Procedure / Jurisdiction
		rule 12.65(6)		(6) Nothing in this rule requires an application with respect to a child commenced following a transfer of jurisdiction to be made to or heard in the High Court.	Procedure / Jurisdiction
		rule 12.65(7)		(7) Upon allocation, the court to which the proceedings are allocated must immediately fix a directions hearing to consider the future conduct of the case.	Procedure / Jurisdiction
		rule 12.66(1)		(1) Where any court other than the High Court receives a request to assume jurisdiction in a matter concerning a child from a court or other authority which has jurisdiction in another Member State or Contracting State, that court must immediately refer the request to a Judge of the High Court for a decision regarding acceptance of jurisdiction to be made.	Procedure / Jurisdiction
		rule 12.66(2)		(2) Upon the High Court agreeing to the request under paragraph (1), the court officer will notify the parties to the proceedings before the other Member State or Contracting State of that decision, and the case must be allocated as if the application had been made in England and Wales.	Procedure / Jurisdiction
		rule 12.66(3)		(3) Upon allocation, the court to which the proceedings are allocated must immediately fix a directions hearing to consider the future conduct of the case.	Procedure / Jurisdiction
		rule 12.66(4)		(4) The court officer will serve notice of the directions hearing on all parties to the proceedings in the other Member State or Contracting State no later than 5 days before the date of that hearing.	Procedure / Jurisdiction
		rule 12.67	Family Procedure (Amendment No 3) Rules 2012/2046, 5	The court officer will serve an order or request relating to transfer of jurisdiction on all parties, the Central Authority of the other Member State or Contracting State, and the domestic Central Authority.	Procedure / Jurisdiction
		rule 12.68(1)		(1) If at any time after issue of the application it appears to the court that under any of Articles 16 to 18 of the Council Regulation it does not or may not have jurisdiction to hear an application, or that under Article 19 of the Council Regulation or Article 13 of the 1996 Hague Convention it is or may be required to stay the proceedings or to decline jurisdiction, the court must— (a) stay the proceedings; and (b) fix a date for a hearing to determine jurisdiction or whether there should be a stay or other order.	Procedure / Jurisdiction
		rule 12.68(2)		(2) The court officer will serve notice of the hearing referred to at paragraph (1)(b) on the parties to the proceedings.	Procedure / Jurisdiction
		rule 12.68(3)		(3) The court must, in writing— (a) give reasons for its decision under paragraph (1); and (b) where it makes a finding of fact, state such finding.	Procedure / Jurisdiction
		rule 12.68(4)		(4) The court may with the consent of all the parties deal with any question as to the jurisdiction of the court, or as to whether the proceedings should be stayed, without a hearing.	Procedure / Jurisdiction
		rule 12.69(1)		(1) This rule applies to a request made— (a) under Article 56 of the Council Regulation, by a court in another Member State; or (b) under Article 33 of the 1996 Hague Convention by a court in another Contracting State for consultation on or consent to the contemplated placement of a child in England and Wales.	International adoption / foster
		rule 12.69(2)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(2) Where the court receives a request directly from a court in another Member State or Contracting State, the court shall, as soon as practicable after receipt of the request, notify the domestic Central Authority of the request and take the appropriate action under paragraph (4).	Procedure
		rule 12.69(3)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(3) Where it appears to the court officer that no proceedings relating to the child are pending before a court in England and Wales, the court officer must inform the domestic Central Authority of that fact and forward to the Central Authority all documents relating to the request sent by the court in the other Member State or Contracting State.	Procedure
		rule 12.69(4)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(4) Where the court receives a request forwarded by the domestic Central Authority, the court must, as soon as practicable after receipt of the request, either— (a) where proceedings relating to the child are pending before the court, fix a directions hearing; or (b) where proceedings relating to the child are pending before another court in England and Wales, send a copy of the request to that court.	Procedure
		rule 12.70(1)		(1) This rule applies where the court is contemplating the placement of a child in another Member State under Article 56 of the Council Regulation or another Contracting State under Article 33 of the 1996 Hague Convention, and proposes to send a request for consultation with or for the consent of the central authority or other authority having jurisdiction in the other State in relation to the contemplated placement.	Procedure / International adoption / foster
		rule 12.70(2)		(2) In this rule, a reference to "the request" includes a reference to a report prepared for purposes of Article 33 of the 1996 Hague Convention where the request is made under that Convention.	Procedure / International adoption / foster
		rule 12.70(3)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(3) Where the court sends the request directly to the central authority or other authority having jurisdiction in the other State, it shall at the same time send a copy of the request to the domestic Central Authority.	Procedure / International adoption / foster
		rule 12.70(4)	Family Procedure (Amendment No 3) Rules 2012/2046, 5	(4) The court may send the request to the domestic Central Authority for onward transmission to the central authority or other authority having jurisdiction in the other Member State.	Procedure / International adoption / foster

		rule 12.70(5)	(5) The court should give consideration to the documents which should accompany the request. (See Chapters 1 to 3 of this Part generally, for the procedure governing applications for an order under paragraph 19(1) of Schedule 2 to the 1989 Act permitting a local authority to arrange for any child in its care to live outside England and Wales.) (Part 14 sets out the procedure governing applications for an order under section 84 (giving parental responsibility prior to adoption abroad) of the Adoption and Children Act 2002.)	Procedure / International adoption / foster
		rule 12.71(1)	(1) Any interested person may apply for a declaration— (a) that a person has, or does not have, parental responsibility for a child; or (b) as to the extent of a person's parental responsibility for a child, where the question arises by virtue of the application of Article 16 of the 1996 Hague Convention.	Procedure / Jurisdiction
		rule 12.71(2)	(2) An application for a declaration as to the extent, or existence of a person's parental responsibility for a child by virtue of Article 16 of the 1996 Hague Convention must be made in the principal registry and heard in the High Court.	Procedure / Jurisdiction
		rule 12.71(3)	(3) An application for a declaration referred to in paragraph (1) may not be made where the question raised is otherwise capable of resolution in any other family proceedings in respect of the child.	Procedure / Jurisdiction
		rule 13.4(1)	(1) This rule applies where a child is subject to proceedings to which this Part applies and at the date of the application— (a) a person holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and (b) that person is not otherwise required to be joined as a respondent under rule 13.3.	Procedure / Jurisdiction
		rule 13.4(2)	(2) The applicant shall give notice of the proceedings to any person to whom the applicant believes paragraph (1) applies.	Procedure / Jurisdiction
		rule 13.4(3)	(3) The applicant and every respondent to the proceedings shall provide such details as they possess as to the identity and whereabouts of any person they believe to hold parental responsibility for the child in accordance with paragraph (1) to the court officer, upon making, or responding to the application as appropriate.	Procedure / Jurisdiction
		rule 13.4(4)	(4) Where the existence of such a person only becomes apparent to a party at a later date during the proceedings, that party must notify the court officer of those details at the earliest opportunity.	Procedure / Jurisdiction
		rule 13.4(5)	(5) Where a person to whom paragraph (1) applies receives notice of proceedings, that person may apply to the court to be joined as a party using the Part 18 procedure.	Procedure / Jurisdiction
		rule 14.4(1)	(1) This rule applies where a child is subject to proceedings to which this Part applies and— (a) a parent of the child holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and	Procedure / Jurisdiction
		rule 14.8(3)	(3) In addition to the matters referred to in paragraph (1), the court will give any of the directions listed in Practice Direction 14B in proceedings for— (a) a Convention adoption order; ... (e) an adoption order where section 83(1) of the 2002 Act applies (restriction on bringing children in).	Procedure / Jurisdiction / International adoption
		rule 14.9(1)	(b) the making of an adoption order except a Convention adoption order; or	Procedure / Jurisdiction / International adoption
		rule 14.10(3)	(3) Any consent to a Convention adoption order must be in a form which complies with the internal law relating to adoption of the Convention country of which the child is habitually resident.	International adoption
		rule 14.19(1)	(1) Where a translation of any document is required for the purposes of proceedings for a Convention adoption order the translation must— (a) unless the court directs otherwise, be provided by the applicant; and (b) be signed by the translator to certify that the translation is accurate.	International adoption
		rule 14.19(2)	(2) This rule does not apply where the document is to be served in accordance with the Service Regulation.	Service
		rule 14.22	An application for a section 89 order must be made within 2 years beginning with the date on which— (a) the Convention adoption or Convention adoption order; or (b) the overseas adoption or determination under section 91 of the 2002 Act, to which it relates was made.	Procedure / International adoption
		rule 14.26(1)	(c) a copy of a Convention adoption order to the relevant Central Authority; (d) a copy of a section 89 order relating to a Convention adoption order or a Convention adoption to the— (i) relevant Central Authority; (ii) adopters; (iii) adoption agency; and (iv) local authority;	Procedure / International adoption
		rule 17.1(1)	(b) an application under Article 56 of the Maintenance Regulation made on the form in Annex VI or VII to that Regulation; (c) an application under Article 10 of the 2007 Hague Convention using the Financial Circumstances Form.	Maintenance
		rule 17.2(10)	(a) Article 56 of the Maintenance Regulation on the form in Annex VI or VII to that Regulation; or (b) Article 10 of the 2007 Hague Convention on an Article 11 form.	Maintenance
		rule 20.7(2)	(a) the applicant is— (i) resident out of the jurisdiction; but (ii) not resident in a Brussels Contracting State, a State bound by the Lugano Convention, a State bound by the 2007 Hague Convention which is an EEA State, a Regulation State or a Maintenance Regulation State, as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982, ... or a Member State bound by the Council Regulation; (“EEA State” is defined in Schedule 1 to the Interpretation Act 1978).	Jurisdiction
			Family Procedure (Amendment No 4) Rules 2012 2012/2806 s16	Miscellaneous
		rule 24.7	(Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes.)	Mediation
		rule 24.9	(Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(c) relates specifically to this rule.)	Mediation
		rule 24.10	(Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(e) relates specifically to this rule.)	Mediation
		rule 24.12(1)	(b) not in a Regulation State within the meaning of Chapter 2 of this Part.	Jurisdiction
		rule 24.12	(Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(f) relates specifically to this rule.)	Mediation
		rule 24.15	“Regulation State” has the same meaning as “Member State” in the Taking of Evidence Regulation, that is all Member States except Denmark; “the Taking of Evidence Regulation” means Council Regulation (EC) No 1206/2001 of 28 May 2001 on co-operation between the courts of the Member States in the taking of evidence in civil or commercial matters.	Evidence
		rule 24.16(1)	(1) This rule applies where a party wishes to take a deposition from a person who is— (a) outside the jurisdiction; and (b) in a Regulation State.	Evidence
		rule 24.16(2)	(2) The court may order the issue of a request to a designated court (“the requested court”) in the Regulation State in which the proposed deponent is.	Evidence
		rule 24.16(3)	(3) If the court makes an order for the issue of a request, the party who sought the order must file— (a) a draft Form A as set out in the annex to the Taking of Evidence Regulation (request for the taking of evidence); (b) except where paragraph (4) applies, a translation of the form; (c) an undertaking to be responsible for costs sought by the requested court in relation to— (i) fees paid to experts and interpreters; and (ii) where requested by that party, the use of special procedures or communications technology; and (d) an undertaking to be responsible for the court's expenses.	Evidence
		rule 24.16(4)	(4) There is no need to file a translation if— (a) English is one of the official languages of the Regulation State where the examination is to take place; or (b) the Regulation State has indicated, in accordance with the Taking of Evidence Regulation, that English is a language which it will accept.	Evidence
		rule 24.16(5)	(5) Where article 17 of the Taking of Evidence Regulation (direct taking of evidence by the requested court) allows evidence to be taken directly in another Regulation State, the court may make an order for the submission of a request in accordance with that article.	Evidence
		rule 24.16(6)	(6) If the court makes an order for the submission of a request under paragraph (5), the party who sought the order must file— (a) a draft Form I as set out in the annex to the Taking of Evidence Regulation (request for direct taking of evidence); (b) except where paragraph (4) applies, a translation of the form; and (c) an undertaking to be responsible for the court's expenses.	Evidence
		rule 27.1	(Rule 27.4(7) makes additional provision in relation to requirements to stay proceedings where the respondent does not appear and a relevant European regulation or international convention applies)	Jurisdiction
		rule 27.4(7)	(7) Nothing in this rule affects any provision of a European regulation or international convention by which the United Kingdom is bound which requires a court to stay proceedings where a respondent in another State has not been adequately served with proceedings in accordance with the requirements of that regulation or convention.	Jurisdiction
		rule 29.12(4)	(4) Any person who intends to make an application in relation to a child under the 1980 Hague Convention in a Contracting State (as defined in rule 12.44) other than the United Kingdom shall, if the court is satisfied that that person intends to make such an application, be entitled to obtain a copy bearing the seal of the court of any order made in relation to the child under the 1989 Act or under the inherent jurisdiction, whether or not that person was a party to the proceedings in which the order was made.	Procedure / Child Abduction
		rule 31.1	This Part applies to proceedings for the recognition, non-recognition and registration of— (a) judgments to which the Council Regulation applies; (b) measures to which the 1996 Hague Convention applies; ... (c) judgments to which the Jurisdiction and Recognition of Judgments Regulations apply, and which relate to dissolution or annulment of overseas relationships entitled to be treated as a civil partnership, or legal separation of the same; and (d) judgments to which the 2014 Regulations apply and which relate to divorce, or annulment of a marriage of a same sex couple or the judicial separation of the same.	Recognition

		rule 31.2(1)	Family Procedure Amendment Rules 2014 2013/524, s7	<p>(1) In this Part—</p> <p>(a) "judgment" is to be construed—</p> <p>(i) in accordance with the definition in Article 2(4) of the Council Regulation where it applies;</p> <p>(ii) in accordance with regulation 6 of the Jurisdiction and Recognition of Judgments Regulations where those Regulations apply; . . .</p> <p>(iii) as meaning any measure taken by an authority with jurisdiction under Chapter II of the 1996 Hague Convention where that Convention applies; or</p> <p>(iv) in accordance with regulation 4(1)(a) of The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 where those Regulations apply;</p> <p>(b) "the Jurisdiction and Recognition of Judgments Regulations" means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005;</p> <p>(ba) "the 2014 Regulations" means the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014;</p> <p>(c) "Member State" means—</p> <p>(i) where registration, recognition or non-recognition is sought of a judgment under the Council Regulation, a Member State of the European Union which is bound by that Regulation or a country which has subsequently adopted it;</p> <p>(ii) where recognition is sought of a judgment to which the Jurisdiction and Recognition of Judgments Regulations apply, a Member State of the European Union to which Part II of those Regulations applies;</p> <p>(iii) where recognition is sought of a judgment to which the 2014 Regulations apply, a member State of the European Union to which Part II of those Regulations applies;</p> <p>(d) "Contracting State" means a State, other than a Member State within the meaning of (c) above, in relation to which the 1996 Hague Convention is in force as between that State and the United Kingdom; and</p> <p>(e) "parental responsibility"—</p> <p>(i) where the Council Regulation applies, has the meaning given in Article 2(7) of that Regulation; and</p> <p>(ii) where the 1996 Hague Convention applies, has the meaning given in Article 1(2) of that Convention.</p>	Recognition
		rule 31.2(2)		(2) References in this Part to registration are to the registration of a judgment in accordance with the provisions of this Part.	Recognition
		rule 31.3(1)		(1) Every application under this Part, except for an application under rule 31.18 for a certified copy of a judgment, or under rule 31.20 for rectification of a certificate issued under Articles 41 or 42, must be made to the principal registry.	Recognition
		rule 31.3(2)		(2) Nothing in this rule prevents the determination of an issue of recognition as an incidental question by any court in proceedings, in accordance with Article 21(4) of the Council Regulation.	Recognition
		rule 31.3(3)	Family Procedure Amendment Rules 2014 2013/524, s8	(3) Notwithstanding paragraph (1), where recognition of a judgment is raised as an incidental question in proceedings under the 1996 Hague Convention, the Jurisdiction and Recognition of Judgments Regulations or the 2014 Regulations the court hearing those proceedings may determine the question of recognition.	Recognition
		rule 31.4(2)		(2) Except for an application under rule 31.7, an application for registration, recognition or non-recognition must be—	Recognition
		rule 31.5(1)		<p>(1) Except as regards a copy of a judgment required by Article 37(1)(a) of the Council Regulation, where the person making an application under this Part does not produce the documents required by rule 31.4(2)(b) the court may—</p> <p>(a) fix a time within which the documents are to be produced;</p> <p>(b) accept equivalent documents; or</p> <p>(c) dispense with production of the documents if the court considers it has sufficient information.</p>	Recognition
		rule 31.5(2)		(2) This rule does not apply to applications under rule 31.7.	Recognition
		rule 31.6(1)		<p>(1) As soon as practicable after an application under this Part has been made, the court may (subject to the requirements of the Council Regulation) give such directions as it considers appropriate, including as regards the following matters—</p> <p>(a) whether service of the application may be dispensed with;</p> <p>(b) expedition of the proceedings or any part of the proceedings (and any direction for expedition may specify a date by which the court must give its decision);</p> <p>(c) the steps to be taken in the proceedings and the time by which each step is to be taken;</p> <p>(d) the service of documents; and</p> <p>(e) the filing of evidence.</p>	Procedure / Recognition
		rule 31.6(2)		<p>(2) The court or court officer will—</p> <p>(a) record the giving, variation or revocation of directions under this rule; and</p> <p>(b) as soon as practicable serve a copy of the directions order on every party.</p>	Procedure / Recognition
		rule 31.7(1)		<p>(1) This rule applies where a judgment has been given in another Member State—</p> <p>(a) relating to rights of access; or</p> <p>(b) under Article 11(8) of the Council Regulation for the return of a child to that State, which has been certified, in accordance with Article 41(2) or 42(2) as the case may be, by the judge in the court of origin.</p>	Procedure / Recognition & Enforcement
		rule 31.7(2)		<p>(2) An application for recognition or enforcement of the judgment must be—</p> <p>(a) made in writing to a district judge of the principal registry; and</p> <p>(b) accompanied by a copy of the certificate issued by the judge in the court of origin.</p>	Procedure / Recognition & Enforcement
		rule 31.7(3)		(3) The application may be made without notice.	Procedure / Recognition & Enforcement
		rule 31.7(4)		(4) Rules 31.5 and 31.8 to 31.17 do not apply to an application made under this rule.	Procedure / Recognition & Enforcement
		rule 31.7(5)		(5) Nothing in this rule shall prevent a holder of parental responsibility from seeking recognition and enforcement of a judgment in accordance with the provisions of rules 31.8 to 31.17.	Procedure / Recognition & Enforcement
		rule 31.8(1)		(1) This rule applies where an application is made for an order that a judgment given in another Member State, or a Contracting State, should be registered, or should not be recognised, except where rule 31.7 applies.	Recognition
		rule 31.8(2)		<p>(2) where the application is made for an order that the judgment should be registered—</p> <p>(a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person against whom registration is sought;</p> <p>(b) the court will not accept submissions from either the person against whom registration is sought or any child in relation to whom the judgment was given.</p>	Procedure / Recognition
		rule 31.8(3)		<p>(3) Where the application is for an order that the judgment should not be recognised—</p> <p>(a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person in whose favour judgment was given;</p> <p>(b) the person in whose favour the judgment was given must file an answer to the application and serve it on the applicant—</p> <p>(i) within 1 month of service of the application; or</p> <p>(ii) if the applicant is habitually resident in another Member State, within two months of service of the application.</p>	Procedure / Recognition
		rule 31.8(4)		(4) In cases to which the 1996 Hague Convention applies and the Council Regulation does not apply, the court may extend the time set out in subparagraph (3)(b)(ii) on account of distance.	Procedure / Recognition
		rule 31.8(5)		(5) The person in whose favour the judgment was given may request recognition or registration of the judgment in their answer, and in that event must comply with 31.4(2)(b), to the extent that such documents, information and evidence are not already contained in the application for non-recognition.	Procedure / Recognition
		rule 31.8(6)		(6) If, in a case to which the Council Regulation applies, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3), the court will act in accordance with the provisions of Article 18 of the Council Regulation.	Procedure / Recognition
		rule 31.8(7)		<p>(7) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3)—</p> <p>(a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and</p> <p>(b) in all other cases, the court will not consider the application unless—</p> <p>(i) it is proved to the satisfaction of the court that the person in whose favour judgment was given was served with the application within a reasonable period of time to arrange his or her response; or</p> <p>(ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the application.</p>	Procedure / Recognition / Service
		rulew 31.8(8)	Family Procedure Amendment Rules 2014 2013/524, s9	<p>(8) In a case to which the Jurisdiction and Recognition of Judgments Regulations or the 2014 Regulations apply, if the person in whose favour judgment was given fails to file an answer as required by paragraph (3), the court will apply the Service Regulation where that regulation applies, and if it does not—</p> <p>(a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and</p> <p>(b) in all other cases, the court will apply the provisions of paragraph (7)(b).</p>	Procedure / Recognition / Service
		rule 31.9		<p>Where recognition or non-recognition of a judgment given in another Member State or Contracting State is sought, or is raised as an incidental question in other proceedings, the court may stay the proceedings—</p> <p>(a) if an ordinary appeal against the judgment has been lodged; or</p> <p>(b) if the judgment was given in the Republic of Ireland, if enforcement of the judgment is suspended there by reason of an appeal.</p>	Recognition / Service
		rule 31.10		<p>Where the court refuses an application for a decision that a judgment should not be recognised, the court may—</p> <p>(a) direct that the decision to refuse the application is to be treated as a decision that the judgment be recognised; or</p> <p>(b) treat the answer under paragraph (3)(b) of rule 31.8 as an application that the judgment be registered for enforcement if paragraph (5) of that rule is complied with and order that the judgment be registered for enforcement in accordance with rule 31.11.</p>	Procedure / Recognition
		rule 31.11(1)		<p>(1) Where the court has—</p> <p>(a) made an order on an application for an order that a judgment should be registered for enforcement; or</p> <p>(b) refused an application that a judgment should not be recognised and ordered under rule 31.10 that the judgment be registered for enforcement,</p> <p>the court officer will as soon as practicable take the appropriate action under paragraph (2) or (3).</p>	Procedure / Recognition & Enforcement
		rule 31.11(2)		(2) If the court refuses the application for the judgment to be registered for enforcement, the court officer will serve the order on the applicant and the person against whom judgment was given in the state of origin.	Procedure / Recognition & Enforcement

		rule 31.11(3)		(3) If the court orders that the judgment should be registered for enforcement, the court officer will— (a) register the judgment in the central index of judgments kept by the principal registry; (b) confirm on the order that the judgment has been registered; and (c) serve on the parties the court's order endorsed with the court officer's confirmation that the judgment has been registered.	Procedure / Enforcement
		rule 31.11(4)		(4) A sealed order of the court endorsed in accordance with paragraph (3)(b) will constitute notification that the judgment has been registered under Article 28(2) of the Council Regulation or under Article 26 of the 1996 Hague Convention, as the case may be, and in this Part 'notice of registration' means a sealed order so endorsed.	Procedure / Recognition
		rule 31.11(5)		(5) The notice of registration must state— (a) full particulars of the judgment registered and the order for registration; (b) the name of the party making the application and his address for service within the jurisdiction; (c) the right of the person against whom judgment was given to appeal against the order for registration; and (d) the period within which an appeal against the order for registration may be made.	Procedure / Recognition
		rule 31.12	Family Procedure Amendment Rules 2014 2013/524, s10	Registration of a judgment under rule 31.11 will serve for the purpose of Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague Convention, . . . regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations (as the case may be) as a decision that the judgment is recognised.	Procedure / Recognition
		rule 31.13		The central index of judgments registered under rule 31.11 will be kept by the principal registry.	Procedure / Recognition
		rule 31.14(1)		(1) Where an application is made seeking recognition of a judgment only, the provisions of rules 31.8 and 31.9 apply to that application as they do to an application for registration for enforcement.	Procedure / Recognition
		rule 31.14(2)		(2) Where the court orders that the judgment should be recognised, the court officer will serve a copy of the order on each party as soon as practicable.	Procedure / Recognition
		rule 31.14(3)	Family Procedure Amendment Rules 2014 2013/524, s11	(3) A sealed order of the court will constitute notification that the judgment has been recognised under Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague Convention, regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations, as the case may be.	Procedure / Recognition
		rule 31.14(4)		(4) The sealed order shall indicate— (a) full particulars of the judgment recognised; (b) the name of the party making the application and his address for service within the jurisdiction; (c) the right of the person against whom judgment was given to appeal against the order for recognition; and (d) the period within which an appeal against the order for recognition may be made.	Procedure / Recognition
		rule 31.15(1)		(1) An appeal against the court's decision under rules 31.10, 31.11 or 31.14 must be made to a judge of the High Court— (a) within one month of the date of service of the notice of registration; or (b) if the party bringing the appeal is habitually resident in another Member State, or a Contracting State, within two months of the date of service.	Procedure / Recognition & Enforcement
		rule 31.15(2)		(2) The court may not extend time for an appeal on account of distance unless the matter is one to which the 1996 Hague Convention applies and the Council Regulation does not apply.	Procedure / Recognition & Enforcement
		rule 31.15(3)		(3) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the appeal is brought by the applicant for a declaration of enforceability or registration and the respondent fails to appear— (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and (b) in all other cases, the court will not consider the appeal unless— (i) it is proved to the satisfaction of the court that the respondent was served with notice of the appeal within a reasonable period of time to arrange his or her response; or (ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the appeal.	Procedure / Recognition & Enforcement / Service
		rule 31.15(4)		(4) This rule is subject to rule 31.16. (The procedure for applications under rule 31.15 is set out in Practice Direction 30A (Appeals).)	Procedure / Enforcement
		rule 31.16(1)		(1) A party against whom enforcement is sought of a judgment which has been registered under rule 31.11 may apply to the court with which an appeal is lodged under rule 31.15 for the proceedings to be stayed where— (a) that party has lodged an ordinary appeal in the Member State or Contracting State of origin; or (b) the time for such an appeal has not yet expired.	Procedure / Enforcement
		rule 31.16(2)		(2) Where an application for a stay is filed in the circumstances described in paragraph (1)(b), the court may specify the time within which an appeal must be lodged.	Procedure / Enforcement
		rule 31.17(1)		(1) Subject to paragraph (1A), the court will not enforce a judgment registered under rule 31.11 until after— (a) the expiration of any applicable period under rules 31.15 or 31.16; or (b) if that period has been extended by the court, the expiration of the period so extended.	Procedure / Enforcement
		rule 31.17(1A)	Family Procedure Rules (Amendment No 2) 2012/1462, s3	(1A) The court may enforce a judgment registered under rule 31.11 before the expiration of a period referred to in paragraph (1) where urgent enforcement of the judgment is necessary to secure the welfare of the child to whom the judgment relates.	Procedure / Enforcement
		rule 31.17(2)		(2) A party applying to the court for the enforcement of a registered judgment must produce to the court a certificate of service of— (a) the notice of registration of the judgment; and (b) any order made by the court in relation to the judgment. (Service out of the jurisdiction, including service in accordance with the Service Regulation, is dealt with in chapter 4 of Part 6 and in Practice Direction 6B.)	Procedure / Enforcement
		rule 31.18(1)		(1) An application for a certified copy of a judgment, or for a certificate under Articles 39, 41 or 42 of the Council Regulation, must be made to the court which made the order or judgment in respect of which certification is sought and without giving notice to any other party.	Procedure / Enforcement
		rule 31.18(2)		(2) The application must be made in the form, and supported by the documents and information required by a practice direction.	Procedure / Enforcement
		rule 31.18(3)	Family Procedure (Amendment No3) Rules 2013/3204, s27	(3) The certified copy of the judgment will be an office copy sealed with the seal of the court and signed by a court officer. It will be issued with a certified copy of any order which has varied any of the terms of the original order.	Procedure / Enforcement
		rule 31.18(4)		(4) Where the application is made for the purposes of applying for recognition or recognition and enforcement of the order in another Contracting State, the court must indicate on the certified copy of the judgment the grounds on which it bases its jurisdiction to make the order, for the purposes of Article 23(2)(a) of the 1996 Hague Convention.	Procedure / Recognition & Enforcement
		rule 31.19		The court officer will serve— (a) a certificate issued under Article 41 or 42; or (b) a certificate rectified under rule 31.20, on all parties and will transmit a copy to the Central Authority for England and Wales.	Procedure / Enforcement
		rule 31.20(1)		(1) Where there is an error in a certificate issued under Article 41 or 42, an application to rectify that error must be made to the court which issued the certificate.	Procedure / Enforcement
		rule 31.20(2)		(2) A rectification under paragraph (1) may be made— (a) by the court of its own initiative; or (b) on application by— (i) any party to the proceedings; or (ii) the court or Central Authority of another Member State.	Procedure / Enforcement
		rule 31.20(3)		(3) An application under paragraph (2)(b) may be made without notice being served on any other party.	Procedure / Enforcement
		rule 31.21		This Chapter applies to an authentic instrument and an agreement to which Article 46 of the Council Regulation applies as it applies to a judgment.	Procedure / Enforcement
		rule 31.22		An application for provisional, including protective, measures under Article 20 of the Council Regulation or Articles 11 or 12 of the 1996 Hague Convention may be made notwithstanding that the time for appealing against an order for registration of a judgment has not expired or that a final determination of any issue relating to enforcement of the judgment is pending.	Protection Measures
		rule 34.1(2)		"the 1920 Act" means the Maintenance Orders (Facilities for Enforcement) Act 1920; "the 1972 Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972; "the 1982 Act" means the Civil Jurisdiction and Judgments Act 1982; "the 1988 Convention" means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters done at Lugano on 16th September 1988; "the Judgments Regulation" means Council Regulation (EC) No 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and "the Lugano Convention" means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.	Enforcement / Maintenance
		rule 34.1(3)		(3) Chapter 1 of this Part relates to the enforcement of maintenance orders in accordance with the 1920 Act.	Enforcement / Maintenance
		rule 34.1(4)	Family Procedure (Amendment No3) Rules 2013/3204, s105	(4) Chapter 2 of this Part relates to the enforcement of maintenance orders in accordance with Parts 1 and 2 of the 1972 Act.	Enforcement / Maintenance
		rule 34.1(5)	Family Procedure (Amendment) Rules 2011/1328, s17 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s18	(5) Chapter 3 of this Part relates to the enforcement of maintenance orders in accordance with— (a) the 1982 Act; (b) the Judgments Regulation; . . . (c) the Lugano Convention; . . . (d) the Maintenance Regulation; and (e) the 2007 Hague Convention.	Enforcement / Maintenance

		rule 34.2	The Family Procedure (Amendment No.3) Rules 2013 (106)	In rule 34.2— (a)in the heading, for "a magistrates' court" substitute "the family court"; (b)in paragraph (1) for "a magistrates' court" is the designated officer for that court" substitute "the family court is the court officer"; (c)in paragraph (2), for the words "a magistrates' court" to the end of the paragraph substitute "the family court is the court officer"; and (d)after paragraph (2) insert— "(3) For the purposes of an application under Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or under Article 23(2) or (3) of the 2007 Hague Convention for registration of a maintenance order, the prescribed officer in relation to the family court is the court officer."	Maintenance
		rule 34.2(1)	Family Procedure (Amendment No3) Rules 2013/3204, s106	(1) For the purposes of the 1920 Act, the prescribed officer in relation to the family court is the court officer.	Enforcement / Maintenance
		rule 34.2(2)	Family Procedure (Amendment No3) Rules 2013/3204, s106	(2) For the purposes of Part 1 of the 1972 Act and section 5(2) of the 1982 Act, the prescribed officer in relation to the family court is the court officer.	Enforcement / Maintenance
		rule 34.2(3)	Family Procedure (Amendment No3) Rules 2013/3204, s106	(3) For the purposes of an application under Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or under Article 23(2) or (3) of the 2007 Hague Convention for registration of a maintenance order, the prescribed officer in relation to the family court is the court officer.	Recognition / Maintenance
		rule 34.3	Family Procedure (Amendment) Rules 2011/1328, s18 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s19; Family Procedure (Amendment No3) Rules 2013/3204, s107; Family Procedure Amendment Rules 2012/679, s27	Where the family court is required by any of the enactments referred to in rule 34.1(2) or by virtue of the Maintenance Regulation or the 2007 Hague Convention to register a foreign order the court officer must— (a) enter . . . a memorandum of the order in the register . . . ; and (b) state on the memorandum the statutory provision or international instrument under which the order is registered.	Recognition / Maintenance
		rule 34.3	The Family Procedure (Amendment No.3) Rules 2013 (107)	In rule 34.3— (a)in the heading, for "magistrates' courts in England and Wales" substitute "the family court"; (b)for "a magistrates' court", substitute "the family court"; and (c)in paragraph (a) omit "kept in accordance with rules made under section 144 of the Magistrates' Courts Act 1980".	Maintenance
		rule 34.6	The Family Procedure (Amendment No.3) Rules 2013 (108)	In rule 34.6— (a)for "a magistrates' court" substitute "the family court under section 1 of the 1920 Act"; and (b)omit "officer".	Maintenance
		rule 34.7	The Family Procedure (Amendment No.3) Rules 2013 (109)	In rule 34.7— (a)in the heading, for "Enforcement" substitute "Collection and enforcement"; (b)for paragraph (1) substitute— "This rule applies to— (a)an order made in a reciprocating country which is registered in the family court; and (b)a provisional order made in a reciprocating country which has been confirmed by the family court, where the court has ordered that payments due under the order be made to the court."; (c)in paragraph (2)(a), omit "in the same way as for a magistrates' court maintenance order"; and (d)at the end of paragraph (3) insert the following words in parentheses— "(Rule 32.33 makes provision in relation to a court officer taking such proceedings.)".	Enforcement
		rule 34.8(1)	The Family Procedure (Amendment No.3) Rules 2013 (110)	In rule 34.8(1), for "a magistrates' court" substitute "the family court"	Miscellaneous
		rule 34.12(1)		(a) "reciprocating country" means a country to which Part 1 of the 1972 Act extends; and	Enforcement / Maintenance
		rule 34.12(2)		(2) In this Chapter, an expression defined in the 1972 Act has the meaning given to it in that Act.	Enforcement / Maintenance
		rule 34.12(3)	Family Procedure (Amendment) Rules 2011/1328, s19	(3) In this Chapter, "Hague Convention Countries" means the countries listed in Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993.	Enforcement / Maintenance
		rule 34.13(1)		(1) Section 1 of this Chapter contains rules relating to the reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act.	Enforcement / Maintenance
		rule 34.13(2)	Family Procedure (Amendment) Rules 2011/1328, s20	(2) Section 2 of this Chapter modifies the rules contained in Section 1 of this Chapter in their application to— (a) . . . (b) the Hague Convention Countries; and	Enforcement / Maintenance
		rule 34.13(3) and (4)	The Family Procedure (Amendment No.3) Rules 2013 (111)	In rule 34.13, after paragraph (2) insert— "(3) Section 3 of this Chapter contains a rule in relation to notification of proceedings in a Hague Convention Country or the United States of America. (4) Section 4 of this Chapter contains rules in relation to proceedings under Part 2 of the 1972 Act (reciprocal enforcement of claims for the recovery of maintenance)."	Maintenance
		rule 34.13(3)	Family Procedure (Amendment No3) Rules 2013/3204, s111	(3) Section 3 of this Chapter contains a rule in relation to notification of proceedings in a Hague Convention Country or the United States of America.	Enforcement / Maintenance
		rule 34.13(4)	Family Procedure (Amendment No3) Rules 2013/3204, s111	(4) Section 4 of this Chapter contains rules in relation to proceedings under Part 2 of the 1972 Act (reciprocal enforcement of claims for the recovery of maintenance). (Practice Direction 34A sets out in full the rules for . . . the Hague Convention Countries and the United States of America as modified by Section 2 of this Chapter.)	Enforcement / Maintenance
		rule 34.14		An application for a maintenance order to be sent to a reciprocating country under section 2 of the 1972 Act must be made in accordance with Practice Direction 34A.	Enforcement / Maintenance
		rule 34.15	The Family Procedure (Amendment No.3) Rules 2013 (112)	In rule 34.15, for the words from "as the case may be" to "(Magistrates' Courts)," substitute "by the judge".	Miscellaneous
		rule 34.15	Family Procedure (Amendment No3) Rules 2013/3204, s112	A document setting out or summarising evidence is authenticated by a court in England and Wales by a certificate signed, by the judge before whom that evidence was given. (Section 3(5)(b), 5(4) and 9(5) of the 1972 Act require a document to be authenticated by the court.)	Enforcement / Maintenance / Evidence
		rule 34.16	The Family Procedure (Amendment No.3) Rules 2013 (113)	In rule 34.16— (a)in paragraph (1), after "country" insert ", including proceedings in the family court for the confirmation of a provisional order made in a reciprocating country varying a maintenance order to which section 5(5) or 9(6) of the 1972 Act applies"; (b)omit paragraph (6); and (c)omit the second set of words in parentheses at the end of the rule.	Maintenance
		rule 34.16(1)	Family Procedure (Amendment No3) Rules 2013/3204, s113	(1) This rule applies to proceedings for the confirmation of a provisional order made in a reciprocating country, including proceedings in the family court for the confirmation of a provisional order made in a reciprocating country varying a maintenance order to which section 5(5) or 9(6) of the 1972 Act applies.	Enforcement / Maintenance
		rule 34.16(2)		(2) Paragraph (3) applies on receipt by the court of— (a) a certified copy of the order; and (b) the documents required by the 1972 Act to accompany the order.	Procedure / Enforcement / Maintenance
		rule 34.16(3)		(3) On receipt of the documents referred to in paragraph (2)— (a) the court must fix the date, time and place for a hearing or a directions appointment; and (b) the court officer must send to the payer notice of the date, time and place fixed together with a copy of the order and accompanying documents.	Procedure / Enforcement / Maintenance
		rule 34.16(4)		(4) The date fixed for the hearing must be not less than 21 days beginning with the date on which the court officer sent the documents to the payer in accordance with paragraph (2).	Procedure / Enforcement / Maintenance
		rule 34.16(5)		(5) The court officer will send to the relevant court in the reciprocating country a certified copy of any order confirming or refusing to confirm the provisional order.	Procedure / Enforcement / Maintenance
		rule 34.17	The Family Procedure (Amendment No.3) Rules 2013 (114)	In rule 34.17, in the heading, in paragraph (1)(a) and in the words in parentheses following paragraph (1), for "a magistrates' court" substitute "the family court".	Miscellaneous
		rule 34.18	The Family Procedure (Amendment No.3) Rules 2013 (115)	In the heading to rule 34.18, for "a county court" substitute "the family court".	Miscellaneous
		rule 34.19	The Family Procedure (Amendment No.3) Rules 2013 (116)	In rule 34.19— (i)in the heading— (i)after "confirmation", insert ", variation"; and (ii)for "a magistrates' court" substitute "the family court"; (j)in paragraph (1)— (i)for "a magistrates' court" substitute "the family court"; and (ii)in paragraph (1)(a) and (b) after "revoking" insert "or varying"; (c)in paragraph (2), after "making," insert "variation,"; (d)omit paragraph (3); and (e)at the end of the rule— (i)in the first set of words in parentheses, for "a magistrates' court" substitute "the family court"; and (ii)omit the second set of words in parentheses.	Miscellaneous
		rule 34.20(1)		(1) This rule applies where a request is made by or on behalf of a court in a reciprocating country for the taking of evidence for the purpose of proceedings relating to a maintenance order to which Part 1 of the 1972 Act applies. (Section 14 of the 1972 Act makes provision for the taking of evidence needed for the purpose of certain proceedings.)	Enforcement / Maintenance
		rule 34.20(2)		(2) The High Court has power to take the evidence where— (a) the request for evidence relates to a maintenance order made by a superior court in the United Kingdom; and (b) the witness resides in England and Wales.	Procedure / Enforcement / Evidence

		rule 34.20 (3) to (5)	The Family Procedure (Amendment No.3) Rules 2013 (117)	In rule 34.20, for paragraphs (3) to (5) substitute— “(3) The family court has power to take evidence where— (a)the request for evidence relates to a maintenance order— (i)made by the family court; or (ii)registered in the family court; or (b)the Lord Chancellor sends to the family court a request to take evidence. (Practice Direction 34E makes further provision on this matter)”.	Maintenance
		rule 34.20(3)	Family Procedure (Amendment No3) Rules 2013/3204, s117	(3) The family court has power to take evidence where— (a) the request for evidence relates to a maintenance order— (i) made by the family court; or (ii) registered in the family court; or (b) the Lord Chancellor sends to the family court a request to take evidence. (Practice Direction 34E makes further provision on this matter)	Procedure / Enforcement / Evidence
		rule 34.20(6)		(6) The evidence is to be taken in accordance with Part 22.	Procedure / Enforcement / Evidence
		rule 34.21(1)	Family Procedure (Amendment No3) Rules 2013/3204, s118	(1) This rule applies where a request is made by the family court for the taking of evidence in a reciprocating country in accordance with section 14(5) of the 1972 Act.	Procedure / Enforcement / Evidence
		rule 34.21.(1)	The Family Procedure (Amendment No.3) Rules 2013 (118)	In rule 34.21(1), for ‘a magistrates’ court’ substitute ‘the family court’.	
		rule 34.21(2)		(2) The request must be made in writing to the court in the reciprocating country. (Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)	Procedure / Enforcement / Evidence
		rule 34.22(1)		(1) This rule applies to any document, including a notice or request, which is required to be sent to a court in a reciprocating country by— (a) Part 1 of the 1972 Act; or (b) Section 1 of Chapter 2 of this Part of these rules.	Procedure / Enforcement
		rule 34.22(2)		(2) The document must be sent to the Lord Chancellor for transmission to the court in the reciprocating country.	Procedure / Enforcement
		rule 34.23	The Family Procedure (Amendment No.3) Rules 2013 (119)	In rule 34.23— (a)in paragraph (1)— (i)for ‘a magistrates’ court’ substitute ‘the family court’; and (ii)in sub-paragraph (a) omit ‘court officer for the’; and (b)in paragraph (2) for ‘to the court officer’ substitute ‘to the court’.	
		rule 34.23(1)	Family Procedure (Amendment No3) Rules 2013/3204, s119	(1) Where an order is registered in the family court in accordance with section 6(3) of the 1972 Act, the court must order that the payment of sums due under the order be made— (a) to the . . . registering court; and (b) at such time and place as the court officer directs. (Section 6(3) of the 1972 Act makes provision for the registration of maintenance orders made in a reciprocating country.)	Procedure / Enforcement
		rule 34.23(2)	Family Procedure (Amendment No3) Rules 2013/3204, s119	(2) Where the court orders payments to be made to the court, whether in accordance with paragraph (1) or otherwise, the court officer must send the payments— (a) by post to either— (i) the court which made the order; or (ii) such other person or authority as that court, or the Lord Chancellor, directs; or (b) if the court which made the order is a country or territory specified in the Practice Direction 34A— (i) to the Crown Agents for Overseas Governments and Administrations for transmission to the person to whom they are due; or (ii) as the Lord Chancellor directs. (Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders .)	Procedure / Enforcement
		rule 34.24	The Family Procedure (Amendment No.3) Rules 2013 (121)	In rule 34.24(1), omit ‘officer’.	
		rule 34.24(1)	Family Procedure (Amendment No3) Rules 2013/3204, s120	(1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the court . . .	Procedure / Enforcement
		rule 34.24(2)		(2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.	Procedure / Enforcement
		rule 34.24(3)		(3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.	Procedure / Enforcement
		rule 34.24(4)		(4) The court officer, on that officer’s own initiative— (a) may; or (b) if the sums due are more than 4 weeks in arrears, must, proceed in that officer’s own name for the recovery of the sums due unless of the view that it is unreasonable to do so.	Procedure / Enforcement
		rule 34.25(1)		(1) The court officer must send written notice to the Lord Chancellor of the due registration of orders registered in accordance with section 6(3), 7(5), or 10(4) of the 1972 Act.	Procedure / Enforcement
		rule 34.25(2)		(2) The court officer must, when registering an order in accordance with section 6(3), 7(5), 9 (10), 10(4) or (5) or 23(3) of the 1972 Act, send written notice to the payer stating— (a) that the order has been registered; (b) that payments under the order should be made to the court officer; and (c) the hours during which and the place at which the payments should be made.	Procedure / Recognition & Enforcement
		rule 34.25(3)		(3) The court officer must, when cancelling the registration of an order in accordance with section 10(1) of the 1972 Act, send written notice of the cancellation to the payer. Hague Convention Countries	Procedure / Recognition
		rule 34.26		Omitted	
		rule 34.27	The Family Procedure (Amendment No.3) Rules 2013 (122)	In rule 34.27— (a)in paragraph (4)— (i)after ‘notification of confirmation’ insert ‘, variation’; and (ii)for ‘a magistrates’ court’ substitute ‘the family court’; (b)in paragraph (5)— (i)in the opening words, for ‘a magistrates’ court’ substitute ‘the family court’; and (ii)in the substituted rule 34.17— (aa)for the heading substitute— “34.17. Consideration of variation or revocation of a maintenance order made by the family court”; (bb)in paragraph (1)(a) for ‘a magistrates’ court by a payee for the revocation’ substitute ‘the family court by a payee for the variation or revocation’; and (cc)omit the words in parentheses at the end of the substituted rule; (c)in paragraph (6)— (i)in the opening words , for ‘county court’ substitute ‘the family court’; and (ii)in the substituted rule 34.18— (aa)in the heading and in paragraph (1), for ‘a county court’ substitute ‘the family court’; and (bb)in paragraph (2)(b) for ‘the district judge’ substitute ‘a judge’; (c)in paragraph (7), in the substituted rule 34.23(2), for ‘made to the court officer’ substitute ‘made to the court’; and (e)in paragraph (9), in paragraph (1) of the inserted rule 34.25A for ‘a magistrates’ court’ substitute ‘the family court’.	
		rule 34.27(1)		(1) In relation to the Hague Convention Countries, Section 1 of this Chapter has effect as modified by this rule.	Enforcement / Maintenance
		rule 34.27(2)		(2) A reference in this rule, and in any rule which has effect in relation to the Hague Convention Countries by virtue of this rule to— (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993; and (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.	Enforcement / Maintenance
		rule 34.27(3)		(3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to a Hague Convention Country.	Enforcement / Maintenance
		rule 34.27(4)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation, variation or revocation of a maintenance order by the family court) and 34.21 (request for the taking of evidence by a court in a reciprocating country) do not apply.	Enforcement / Maintenance / Evidence
		rule 34.27(5)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(5) For rule 34.17 (consideration of revocation of a provisional order made by the family court) substitute— “34.17 Consideration of variation or revocation of a maintenance order made by the family court (1) This rule applies where— (a) an application has been made to the family court by a payee for the variation or revocation of an order to which section 5 of the 1972 Act applies; and (b) the payer resides in a Hague Convention Country. (2) The court officer must serve on the payee, by post, a copy of any representations or evidence adduced by or on behalf of the payer.	Enforcement / Maintenance / Service
		rule 34.27(6)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(6) For rule 34.18 (notification of variation or revocation of a maintenance order by the High Court or the family court) substitute— “34.18 Notification of variation or revocation of a maintenance order by the High Court or the family court (1) This rule applies if the High Court or the family court makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies. (2) If the time for appealing has expired without an appeal having been entered, the court officer will send to the Lord Chancellor— (a) the documents required by section 5(8) of the 1972 Act; and (b) a certificate signed by a judge stating that the order of variation or revocation is enforceable and no longer subject to the ordinary forms of review. (3) A party who enters an appeal against the order of variation or revocation must, at the same time, give written notice to the court officer.”.	Procedure / Enforcement / Maintenance
		rule 34.27(7)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(7) For rule 34.23(2) (method of payment under registered orders) substitute— “(2) Where the court orders payment to be made to the court, the court officer must send the payments by post to the payee under the order.”.	Procedure / Enforcement

		rule 34.27(8)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(8) For rule 34.25 (notification of registration and cancellation) substitute— "34.25 Notification of registration and cancellation The court officer must send written notice to— (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; and (b) the payer under the order, on— (i) the registration of an order under section 10(4) of the 1972 Act; or (ii) the cancellation of the registration of an order under section 10(1) of the 1972 Act."	Procedure / Recognition
		rule 34.27(9)	Family Procedure (Amendment No3) Rules 2013/3204, s122	(9) After rule 34.25 insert— "34.25A General provisions as to notices (1) A notice to a payer of the registration of an order in the family court in accordance with section 6(3) of the 1972 Act must be in the form referred to in a practice direction. (Section 6(8) of the 1972 Act requires notice of registration to be given to the payer.) (2) If the court sets aside the registration of a maintenance order following an appeal under section 6(9) of the 1972 Act, the court officer must send written notice of the decision to the Lord Chancellor. (3) A notice to a payee that the court officer has refused to register an order must be in the form referred to in a practice direction. (Section 6(11) of the 1972 Act requires notice of refusal of registration to be given to the payee.) (4) Where, under any provision of Part 1 of the 1972 Act, a court officer serves a notice on a payer who resides in a Hague Convention Country, the court officer must send to the Lord Chancellor a certificate of service." United States of America	Procedure / Recognition
		rule 34.28	The Family Procedure (Amendment No.3) Rules 2013 (123)	In rule 34.28— (a)in paragraph (4)— (i)after "notification of confirmation" insert ", variation"; and (j)for "a magistrates' court" substitute "the family court"; (b)in paragraph (5)— (i)in the opening words, for "a magistrates' court" substitute "the family court"; and (ii)in the substituted rule 34.17— (aa)for the heading substitute— "34.17. Consideration of variation or revocation of a maintenance order made by the family court"; (bb)in paragraph (1)(a) for "a magistrates' court by a payee for the revocation" substitute "the family court by a payee for the variation or revocation"; and (cc)omit the words in parentheses at the end of the substituted rule; (c)in paragraph (6), in the substituted rule 34.18, for "a county court" insert "the family court"; and (d)in paragraph (7), in the substituted rule 34.23(2), for "made to the court officer" substitute "made to the court".	Maintenance
		rule 34.28(1)		(1) In relation to the United States of America, Section 1 of this Chapter has effect as modified by this rule.	Enforcement / Maintenance
		rule 34.28(2)		(2) A reference in this rule and in any rule which has effect in relation to the United States of America by virtue of this rule to— (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007; and (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.	Enforcement / Maintenance
		rule 34.28(3)		(3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to the United States of America.	Enforcement / Maintenance
		rule 34.28(4)	Family Procedure (Amendment No3) Rules 2013/3204, s123	(4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation, variation or revocation of a maintenance order made by the family court) and 34.21 (request for the taking of evidence in a reciprocating country) do not apply.	Enforcement / Maintenance / Evidence
		rule 34.28(5)	Family Procedure (Amendment No3) Rules 2013/3204, s123	(5) For rule 34.17 (consideration of revocation of a provisional order made by the family court) substitute— "34.17 Consideration of variation or revocation of a maintenance order made by the family court (1) This rule applies where— (a) an application has been made to the family court by a payee for the variation or revocation of an order to which section 5 of the 1972 Act applies; and (b) the payer resides in the United States of America. (2) The court officer must serve on the payee by post a copy of any representations or evidence adduced by or on behalf of the payer." ...	Procedure / Recognition / Service
		rule 34.28(6)	Family Procedure (Amendment No3) Rules 2013/3204, s123	(6) For rule 34.18 (notification of variation or revocation), substitute— "34.18 Notification of variation or revocation If the High Court or the family court makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies, the court officer will send to the Lord Chancellor the documents required by section 5(7) of that Act."	Procedure / Recognition
		rule 34.28(7)	Family Procedure (Amendment No3) Rules 2013/3204, s123	(7) For 34.23(2)(method of payment under registered orders) substitute— "(2) Where the court orders payment to be made to the court, the court officer must send the payments by post to the payee under the order."	Procedure / Recognition
		rule 34.28(8)		(8) For rule 34.25 (notification of registration and cancellation) substitute— "34.25 Notification of registration and cancellation The court officer must send written notice to— (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; or (b) the payer under the order, on— (i) the registration of an order under section 10(4) of the 1972 Act; or (ii) the cancellation of the registration of an order under section 10(1) of that Act."	Procedure / Recognition
		rule 34.28ZA-M	The Family Procedure (Amendment No.3) Rules 2013 (124)	rules included by 124	
		rule 34.28ZA	Family Procedure (Amendment No3) Rules 2013/3204, s124	Practice Direction 34E applies where the court officer receives from the Lord Chancellor notice of the institution of proceedings, including notice of the substance of a claim, in a Hague Convention Country or in the United States of America in relation to the making, variation or revocation of a maintenance order.	Enforcement / Maintenance
		rule 34.28A	The Family Procedure (Amendment No.3) Rules 2013 (125)	Omit the words in parentheses at the end of rule 34.28A.	
		rule 34.28ZB	Family Procedure (Amendment No3) Rules 2013/3204, s124	In this Section— "convention country" means a country or territory specified in an Order in Council made under section 25 of the 1972 Act; and an expression defined in the 1972 Act has the meaning given to it in that Act.	Enforcement / Maintenance
		rule 34.28ZC(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) Where the family court dismisses an application under— (a) section 27A of the 1972 Act (application for recovery of maintenance); or (b) an application by a person in a convention country for the variation of a registered order, the court officer will send a written notice of the court's decision to the Lord Chancellor.	Procedure / Recognition
		rule 34.28ZC(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) The notice will include a statement of the court's reasons for its decision.	Procedure / Recognition
		rule 34.28ZD(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) Where the family court receives an application for the recovery of maintenance sent from the Lord Chancellor under section 27B of the 1972 Act, the court will— (a) fix the date, time and place for a hearing or directions appointment, allowing sufficient time for service under this rule to be effected at least 21 days before the date fixed; and (b) serve copies of the application and any accompanying documents, together with a notice stating the date, time and place so fixed, on the respondent.	Procedure / Enforcement
		rule 34.28ZD(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Within 14 days of service under this rule, the respondent must file an answer to the application in the form referred to in Practice Direction 5A.	Procedure / Enforcement
		rule 34.28ZE	Family Procedure (Amendment No3) Rules 2013/3204, s124	Where— (a) an application under section 26(1) or (2) of the 1972 Act; or (b) a certificate under section 26(3A) of the 1972 Act, is required to be registered in the family court by virtue of the Recovery of Maintenance (United States of America) Order 2007, the court officer will enter a minute or memorandum of the application or certificate in the register.	Procedure / Recognition
		rule 34.28ZF(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) Where the family court makes an order which is required under section 27C(7) of the 1972 Act to be registered, the court officer will enter a minute or memorandum of the order in the register.	Procedure / Recognition
		rule 34.28ZF(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Where a court officer receives under section 32(3) of the 1972 Act a certified copy of an order, the court officer will register the order by means of a minute or memorandum in the register.	Procedure / Recognition
		rule 34.28ZF(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Every minute or memorandum entered under paragraph (1) or (2) will specify the section and subsection of the 1972 Act under which the order in question is registered.	Procedure / Recognition
		rule 34.28ZF(4)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(4) Where a court officer registers an order as required by section 27C(7) or 32(3) of the 1972 Act, the court officer will send written notice to the Lord Chancellor that the order has been registered.	Procedure / Recognition
		rule 34.28ZF(5)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(5) Where a court officer is required by section 32(6) of the 1972 Act to give notice of the registration of an order, the court officer will do this by sending written notice to the officer specified in that subsection that the order has been registered.	Procedure / Recognition
		rule 34.28ZG(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) Where payments are made to the family court by virtue of section 27C or 34A of the 1972 Act, the court officer will send those payments by post to such person or authority as the Lord Chancellor may from time to time direct.	Procedure / Enforcement
		rule 34.28ZG(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Subject to paragraph (3), if it appears to a court officer that any sums payable under a registered order are in arrears, the officer may proceed in the officer's own name for the recovery of those sums.	Procedure / Enforcement
		rule 34.28ZG(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Where it appears to the officer that sums payable under the order are in arrears to an amount equal— (a) in the case of payments to be made monthly or less frequently, to twice the sum payable periodically; or (b) in any other case, to four times the sum payable periodically, the officer will proceed in the officer's own name for the recovery of those sums, unless it appears to the officer that it is unreasonable in the circumstances to do so.	Procedure / Enforcement
		rule 34.28ZH(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) This rule applies where the family court exercises its duties or powers under section 27C or 34A of the 1972 Act.	Procedure / Enforcement

		rule 34.28ZH(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Where the court orders that payments under the order are to be made by a particular means— (a) the court will record on the copy of the order the means of payment that the court has ordered; and (b) the court officer will, as soon as practicable, notify, in writing, the person liable to make the payments under the order how payments are to be made.	Procedure / Enforcement
		rule 34.28ZH(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Paragraph (4) applies where the court orders that payments be made to the court by a method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991.	Procedure / Enforcement
		rule 34.28ZH(4)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(4) The court officer will notify the person liable to make the payments under the order of sufficient details of the account into which the payments should be made to enable payments to be made into that account.	Procedure / Enforcement
		rule 34.28ZJ(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) This rule applies in relation to an application under section 34 of the 1972 Act for the variation or revocation of a registered order.	Procedure / Recognition
		rule 34.28ZJ(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) An application which is made directly to the registering court must be filed in the form referred to in Practice Direction 5A.	Procedure / Recognition
		rule 34.28ZJ(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Where the court receives an application, either filed in accordance with paragraph (2) or sent from the Lord Chancellor under section 34(3) of the 1972 Act— (a) the court will set the date, time and place for a hearing or directions appointment; and (b) the court officer will notify the applicant of the date, time and place.	Procedure / Recognition
		rule 34.28ZJ(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) This rule applies in relation to an application under section 35 of the 1972 Act for the variation or revocation of a registered order.	Procedure / Recognition
		rule 34.28ZJ(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Subject to paragraph (3)— (a) the evidence will be taken in the same manner as if the person concerned were a witness in family proceedings; (b) any oral evidence so taken will be put into writing and read to the person who gave it, who must sign the document; and (c) the judge who takes any such evidence of any person will certify at the foot of the document setting out the evidence of, or produced in evidence by, that person that such evidence was taken, or document received in evidence, as the case may be, by that judge.	Procedure / Evidence
		rule 34.28ZJ(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) The court officer will send the notice by post to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the respondent is residing.	Procedure / Recognition
		rule 34.28ZJ(4)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(4) The time appointed for the hearing of the application will not be less than six weeks later than the date on which the notice is sent to the Lord Chancellor.	Procedure / Recognition
		rule 34.28ZK(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) This rule applies where the family court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act (taking evidence at the request of a court in a convention country) to take the evidence of any person.	Procedure / Recognition / Evidence
		rule 34.28ZK(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Subject to paragraph (3)— (a) the evidence will be taken in the same manner as if the person concerned were a witness in family proceedings; (b) any oral evidence so taken will be put into writing and read to the person who gave it, who must sign the document; and (c) the judge who takes any such evidence of any person will certify at the foot of the document setting out the evidence of, or produced in evidence by, that person that such evidence was taken, or document received in evidence, as the case may be, by that judge.	Procedure / Recognition / Evidence
		rule 34.28ZK(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Where the request referred to in section 38(2) of the 1972 Act includes a request that the evidence be taken in a particular manner, the court by which the evidence is taken will, so far as circumstances permit, comply with that request.	Procedure / Recognition / Evidence
		rule 34.28ZL(1)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(1) This rule applies where an officer of the court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act to take the evidence of any person.	Procedure / Evidence
		rule 34.28ZL(2)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(2) Subject to paragraph (3)— (a) the person whose evidence is to be taken will be examined on oath by or before a justices' clerk or any other court officer determined by the Lord Chancellor; (b) any oral evidence will be put into writing and read to the person who gave it, who must sign the document; and (c) the justices' clerk or other officer will certify at the foot of the document setting out the evidence of, or produced by, that person, that such evidence was taken, or document received in evidence, as the case may be, by that justices' clerk or other officer.	Procedure / Evidence
		rule 34.28ZL(3)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(3) Where the request referred to in section 38(1) of the 1972 Act includes a request that the evidence be taken in a particular manner, the justices' clerk or other officer by whom the evidence is taken will, so far as circumstances permit, comply with that request.	Procedure / Evidence
		rule 34.28ZL(4)	Family Procedure (Amendment No3) Rules 2013/3204, s124	(4) For the purposes of this rule, the justices' clerk or other officer has the same power to administer oaths as a single justice of the peace.	Procedure / Evidence
		rule 34.28ZM	Family Procedure (Amendment No3) Rules 2013/3204, s124	Any document mentioned in rule 34.28ZK(2)(c) or rule 34.28ZL(2)(c) will be sent to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the request referred to in section 38(1) of the 1972 Act originated.	Procedure / Evidence
		rule 34.28A(1)	Family Procedure (Amendment) Rules 2011/1328, s24 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s21; Family Procedure (Amendment) Rules 2012 SI 2012/679, r28	(1) In this Chapter— (a) references to a maintenance order include— (i) a decision, a court settlement or an authentic instrument within the meaning of Article 2 of the Maintenance Regulation where that Regulation applies; (ii) a maintenance decision to which Chapter V of the 2007 Hague Convention applies by virtue of Article 18(1) of that Convention; (iii) a maintenance arrangement (as defined in Article 3(e) of the 2007 Hague Convention) which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of that Convention; (b) references to the Hague Protocol are to the Protocol on the Law Applicable to Maintenance Obligations done at The Hague on 23 November 2007; (c) "the 1968 Convention" has the meaning given in the 1982 Act.	Maintenance
		rule 34.28A(2)		(2) In relation to the Maintenance Regulation— (a) Section 1 applies to maintenance orders to which Sections 2 and 3 of Chapter IV of the Maintenance Regulation apply (decisions given in a Member State which does not apply the rules of the Hague Protocol, that is, Denmark, and decisions to which Sections 2 and 3 of Chapter IV of that Regulation apply by virtue of Article 75(2)(a) or (b)); (b) Section 2 applies to all maintenance orders made in a magistrates' court in England and Wales for which reciprocal enforcement is sought in any Member State of the European Union, including Denmark.	Maintenance
		rule 34.29	Family Procedure (Amendment) Rules 2011/1328, s25	In this Section— (a) an expression defined in the 1982 Act has the meaning given to it in that Act, subject to paragraph (b); and (b) "Regulation State" means a Member State of the European Union which does not apply the rules of the Hague Protocol, or, where registration is sought for a maintenance order to which Article 75(2)(a) or (b) of the Maintenance Regulation applies, the Member State of the European Union from which the order originated.	Maintenance
		rule 34.29A	The Family Procedure (Amendment No.3) Rules 2013 (126)	Omit rule 34.29A.	
		rule 34.30	The Family Procedure (Amendment No.3) Rules 2013 (126)	In rule 34.30— (a)omit paragraph (1); (b)in paragraph (2) for "This rule applies where the court officer for a magistrates' court" substitute "This rule and Practice Direction 34E apply where the family court"; (c)omit paragraphs (3), (4) and (5); (d)in paragraph (6) for "paragraphs (4) or (5) apply, the court officer" substitute "Practice Direction 34E provides otherwise, the court"; (e)in paragraphs (7) and (8), omit "officer" the first time it appears in each paragraph; and (f)omit paragraph (9).	
		rule 34.30(2)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s24; Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s127	(2) This rule and Practice Direction 34E apply where the family court receives— (a) an application under Article 31 of the 1968 Convention for the enforcement of a maintenance order made in a Contracting State other than the United Kingdom; (b) an application under Article 31 of the 1988 Convention for the enforcement of a maintenance order made in a State bound by the 1988 Convention other than a Member State of the European Union; (c) an application under Article 26 of the Maintenance Regulation for a declaration of enforceability of a maintenance order made in a Regulation State other than the United Kingdom; . . . (d) an application under Article 38 of the Lugano Convention for the enforcement of a maintenance order made in a State bound by the Lugano Convention other than a Member State of the European Union; or (e) an application under Article 23 of the 2007 Hague Convention for registration of a maintenance order made in a State bound by that Convention other than a Member State of the European Union.	Enforcement / Maintenance
		rule 34.30(6)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s24; Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s127	(6) Except where Practice Direction 34E provides otherwise, the court must register the order unless— (a) in the case of an application under Article 31 of the 1968 Convention, Articles 27 or 28 of that Convention apply; . . . (b) in the case of an application under Article 31 of the 1988 Convention, Articles 27 or 28 of that Convention apply; and (c) in the case of an application under Article 23(2) or (3) of the 2007 Hague Convention, Article 22(a) of that Convention applies.	Recognition
		rule 34.30(7)	Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s127	(7) If the court . . . refuses to register an order to which this rule relates the court officer must notify the applicant.	Recognition
		rule 34.30(8)		(8) If the court . . . registers an order the court officer must send written notice of that fact to— (a) the Lord Chancellor; (b) the payer; and (c) the applicant.	Recognition
		rule 34.31	The Family Procedure (Amendment No.3) Rules 2013 (128)	In rule 34.31, for paragraph (2) substitute— "(2) The appeal must be to the family court. (Practice Direction 34E makes provision in relation to such cases).".	Procedure
		rule 34.31(1)	Family Procedure (Amendment) Rules 2011/1328, s28 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s25	(1) This rule applies to an appeal under— (a) Article 36 or Article 40 of the 1968 Convention; (b) Article 36 or Article 40 of the 1988 Convention; (c) Article 32 of the Maintenance Regulation; . . . (d) Article 43 of the Lugano Convention; or (e) Article 23(5) of the 2007 Hague Convention.	Maintenance

	rule 34.31(2)	Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s128	(2) The appeal must be to the family court. (Practice Direction 34E makes provision in relation to such cases.)	Maintenance
	rule 34.32	The Family Procedure (Amendment No.3) Rules 2013 (129)	In rule 34.32— (a)in paragraph (1)— (i)for "must" substitute "may"; and (ii)for the words after "made" substitute "to the court, at such time and place as directed."; and (b)in paragraph (2), omit "officer" the first time it appears.	
	rule 34.32(1)	Family Procedure (Amendment) Rules 2011/1328, s29 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s26	(1) Where an order is registered in accordance with section 5(3) of the 1962 Act, Article 38 of the Judgments Regulation, Article 38 of the Lugano Convention or Article 23 of the 2007 Hague Convention or declared enforceable under Article 26 of the Maintenance Regulation by virtue of registration, the court may order that payment of sums due under the order be made to the court, at such time and place as directed.	Recognition
	rule 34.32(2)	Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s129	(2) Where the court orders payments to be made to the court . . . whether in accordance with paragraph (1) or otherwise, the court officer must send the payments by post either— (a) to the court which made the order; or (b) to such other person or authority as that court, or the Lord Chancellor, directs. (Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)	Procedure / Enforcement
	rule 34.33(1)	The Family Procedure (Amendment No.3) Rules 2013 (130)	In rule 34.33(1) for "court officer for a magistrates' court" substitute "the family court".	Miscellaneous
	rule 34.33(1)	Family Procedure (Amendment No 3) Rules 2013 SI 2013/3204, s130	(1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the family court.	Procedure / Recognition & Enforcement
	rule 34.33(2)		(2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.	Procedure / Enforcement
	rule 34.33(3)		(3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.	Procedure / Enforcement
	rule 34.33(4)		(4) The court officer, on that officer's own initiative— (a) may; or (b) if the sums due are more than 4 weeks in arrears, must, proceed in that officer's own name for the recovery of the sums due unless of the view that it is unreasonable to do so.	Procedure / Enforcement
	rule 34.34(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s27	(1) This rule applies where the court officer for a registering court receives notice that a registered maintenance order has been varied or revoked by a competent court in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention (other than a Member State of the European Union), a Regulation State or a State bound by the Lugano Convention or by the 2007 Hague Convention, other than a Member State of the European Union.	Procedure / Recognition & Enforcement
	rule 34.34(2)		(2) The court officer for the registering court must— (a) register the order of variation or revocation; and (b) send notice of the registration by post to the payer and payee under the order.	Procedure / Recognition
	rule 34.34(3)	Family Procedure (Amendment) Rules 2011/1328, s30	(3) Where the court officer for a registering court receives notice that a maintenance order registered in that court by virtue of the provisions of the Judgments Regulation has been varied or revoked by a competent court in another Member State of the European Union, the court officer must— (a) note against the entry in the register that the original order so registered has been varied or revoked, as the case may be; and (b) send notice of the noting of the variation or revocation, as the case may be, by post to the payer and payee under the order.	Procedure / Recognition & Enforcement
	rule 34.35	The Family Procedure (Amendment No.3) Rules 2013 (131)	For rule 34.35 substitute— "Registered order: payer residing in a different Designated Family Judge area 34.35. Practice Direction 34E makes provision for cases where a court officer in the Designated Family Judge area where an order is registered considers that the payer is residing in a different Designated Family Judge area."	Procedure / Enforcement
	rule 34.35(3)	Family Procedure (Amendment No 2) Rules 2015 2015/1420, s24	Practice Direction 34E makes provision for cases where a court officer in the Maintenance Enforcement Business Centre for the Designated Family Judge area where an order is registered considers that the payer is residing in a Designated Family Judge area covered by a different Maintenance Enforcement Business Centre. (For the way in which information will be provided to enable Maintenance Enforcement Business Centres to be identified, see Practice Direction 34E.)	Procedure / Enforcement
	rule 34.36	The Family Procedure (Amendment No.3) Rules 2013 (132)	In rule 34.36, for paragraph (1) substitute— "(1) Where the court officer for the registering court— (a)has no reason to send papers to another Designated Family Judge area under Practice Direction 34E; and (b)considers that the payer under the registered order is not residing within the Designated Family Judge area where the order is registered, the court officer will cancel the registration of the order."	Maintenance
	rule 34.36C	The Family Procedure (Amendment No.3) Rules 2013 (133)	After rule 34.36B, insert— "The Maintenance Regulation: applications for enforcement or for refusal or suspension of enforcement 34.36C. Practice Direction 34E makes provision regarding— (a)an application for enforcement of a maintenance decision to which section 1 of Chapter IV of the Maintenance Regulation applies; and (b)an application by a debtor under Article 21 of the Maintenance Regulation for refusal or suspension of enforcement."	Maintenance
	rule 34.36(1)	Family Procedure (Amendment No2) Rules 2015, s25	(1) Where the court officer for the registering court— (a) has no reason to send papers to another Maintenance Enforcement Business Centre under Practice Direction 34E; and (b) considers that the payer under the registered order is not residing within the area covered by the Maintenance Enforcement Business Centre for the Designated Family Judge area where the order is registered and has no assets in England and Wales, the court officer must cancel the registration.	Procedure / Enforcement
	rule 34.36(2)	Family Procedure (Amendment) Rules 2015 2015/913, s13	(2) The court officer must— (a) give notice of cancellation to the payee; and (b) send to the Lord Chancellor— (i) the information and documents relating to the registration; (ii) a certificate of arrears, if applicable, signed by the court officer; (iii) a statement giving such information as the court officer possesses as to the whereabouts of the payer and the nature and location of the payer's assets; and (iv) any other relevant documents which the court officer has relating to the case. (Practice Direction 34E makes further provision on this matter.)	Procedure / Enforcement
	rule 34.36A	Family Procedure (Amendment) Rules 2011/1328, s32 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s29	At any stage in proceedings for registration of a maintenance order under this Section of this Chapter, the court may give directions about the conduct of the proceedings, including— (a) staying of proceedings in accordance with— (i) Article 30 or 38 of the 1968 Convention, (ii) Article 30 or 38 of the 1988 Convention, (iii) Article 37 or 46 of the Lugano Convention, . . . (iv) Article 25 or 35 of the Maintenance Regulation, or (v) Article 30(6) of the 2007 Hague Convention; (b) the provision of documents in accordance with— (i) Article 48 of the 1968 Convention, (ii) Article 48 of the 1988 Convention, (iii) Article 55 of the Lugano Convention, . . . (iv) Article 29 of the Maintenance Regulation, or (v) Article 25 or 30 of the 2007 Hague Convention; (c) the provision of translations in accordance with— (i) Article 48 of the 1968 Convention, (ii) Article 48 of the 1988 Convention, (iii) Article 55 of the Lugano Convention, . . . (iv) Article 28 of the Maintenance Regulation, or (v) in relation to an application under this Section relating to the 2007 Hague Convention, without prejudice to Article 44 of that Convention.	Recognition / Jurisdiction / Maintenance
	rule 34.36B(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s30	(1) Where the Lord Chancellor requests information or a document from the court officer for the relevant court for the purposes of Article 58 of the Maintenance Regulation, or Article 12 or 25(2) of the 2007 Hague Convention, the court officer shall provide the requested information or document to the Lord Chancellor forthwith.	Procedure / Recognition & Enforcement / Maintenance
	rule 34.36B(2)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s30	(2) In this rule, "relevant court" means the court at which an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention has been filed. The Lord Chancellor is the Central Authority for the 2007 Hague Convention and the Maintenance Regulation	Maintenance
	rule 34.36C	Family Procedure (Amendment No 3) Rules 2013/3204, s133	Practice Direction 34E makes provision regarding— (a) an application for enforcement of a maintenance decision to which section 1 of Chapter IV of the Maintenance Regulation applies; and (b) an application by a debtor under Article 21 of the Maintenance Regulation for refusal or suspension of enforcement.	Enforcement / Maintenance
	rule 34.38	The Family Procedure (Amendment No.3) Rules 2013 (134)	In rule 34.38, in paragraphs (3) and (7) for "a magistrates' court in England and Wales" substitute "the family court".	Miscellaneous
	rule 34.38(1)	Family Procedure (Amendment) Rules 2011/1328, s35	(1) This rule applies to a document, referred to in paragraph (2) and authenticated in accordance with paragraph (3), which comprises, records or summarises evidence given in, or information relating to, proceedings in a court in another part of the UK, another Contracting State to the 1968 Convention or the 1988 Convention, Member State of the European Union or State bound by the Lugano Convention, or by the 2007 Hague Convention, and any reference in this rule to "the court", without more, is a reference to that court.	Evidence

		rule 34.38(2)	Family Procedure (Amendment) Rules 2011/1328, s35 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s31	(2) The documents referred to at paragraph (1) are documents which purport to— (a) set out or summarise evidence given to the court; (b) have been received in evidence to the court; (c) set out or summarise evidence taken in the court for the purpose of proceedings in a court in England and Wales to which the 1982 Act, the Judgments Regulation, the Maintenance Regulation or the 2007 Hague Convention applies; or (d) record information relating to payments made under an order of the court	Evidence
		rule 34.38(3)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s31; Family Procedure (Amendment No 3) Rules 2013 2013/3204, s134; Family Procedure (Amendment) Rules 2011/1328, s35	(3) A document to which paragraph (1) applies shall, in any proceedings in the family court relating to a maintenance order to which the 1982 Act, the Judgments Regulation, the Maintenance Regulation or the 2007 Hague Convention applies, be admissible as evidence of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.	Evidence
		rule 34.38(4)		(4) A document to which paragraph (1) applies shall be deemed to be authenticated— (a) in relation to the documents listed at paragraph 2(a) or (c), if the document purports to be— (i) certified by the judge or official before whom the evidence was given or taken; or (ii) the original document recording or summarising the evidence, or a true copy of that document; (b) in relation to a document listed at paragraph (2)(b), if the document purports to be certified by a judge or official of the court to be, or to be a true copy of, the document received in evidence; and (c) in relation to the document listed at paragraph (2)(d), if the document purports to be certified by a judge or official of the court as a true record of the payments made under the order.	Evidence
		rule 34.38(5)		(5) It shall not be necessary in any proceedings in which evidence is to be received under this rule to prove the signature or official position of the person appearing to have given the certificate referred to in paragraph (4).	Evidence
		rule 34.38(6)		(6) Nothing in this rule shall prejudice the admission in evidence of any document which is admissible in evidence apart from this rule.	Evidence
		rule 34.38(7)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s31; Family Procedure (Amendment No 3) Rules 2013 2013/3204, s134	(7) Any request by the family court for the taking or providing of evidence by a court in a State listed in paragraph (8) for the purposes of proceedings to which an instrument listed in that paragraph applies, or by a court in another part of the United Kingdom, shall be communicated in writing to the court in question.	Evidence
		rule 34.38(8)	Family Procedure (Amendment) Rules 2011/1328, s35 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s31	(8) The States and instruments referred to in paragraph (7) are— (a) a Contracting State to the 1968 Convention; (b) a Contracting State to the 1988 Convention; (c) a State bound by the Lugano Convention; (d) Denmark, in relation to proceedings to which the Maintenance Regulation applies; (e) a State bound by the 2007 Hague Convention, but this paragraph and paragraph (7) do not apply where the State in question is a Member State of the European Union to which the Taking of Evidence Regulation (as defined in rule 24.15) applies. (Chapter 2 of Part 24 makes provision for taking of evidence by a court in another Member State of the European Union).	Evidence
		rule 34.39	The Family Procedure (Amendment No.3) Rules 2013 (135)	In rule 34.39— (a) in the heading and in paragraph (1) for "a magistrates' court" substitute "the family court"; and (b) in paragraph (5) for "a magistrates' court in England and Wales" substitute "the family court".	Miscellaneous
		rule 34.39(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s32; Family Procedure (Amendment No 3) Rules 2013 2013/3204, s135	(1) A person who wishes to enforce a maintenance order obtained in the family court in a State to which paragraph (2) applies must apply for a certified copy of the order and, where required by Practice Direction 34A, a certificate giving particulars relating to the judgment and proceedings in which it was given.	Procedure / Enforcement / Maintenance
		rule 34.39(2)	Family Procedure (Amendment) Rules 2011/1328, s36 and Family Procedure (Amendment No 4) Rules 2012 2012/2806 s32	(2) The States referred to in paragraph (1) are— (a) a Contracting State to the 1968 Convention; (b) a Contracting State to the 1988 Convention (other than a Member State of the European Union); (c) a Member State of the European Union; (d) a State bound by the Lugano Convention (other than a Member State of the European Union); or (e) a State bound by the 2007 Hague Convention (other than a Member State of the European Union).	Procedure / Enforcement / Maintenance
		rule 34.39(3)	Family Procedure (Amendment) Rules 2012 SI 2012/679, 29	(3) An application under this rule must be made in writing to the court officer and must specify— (a) the names of the parties to the proceedings; (b) the date, or approximate date, of the proceedings in which the maintenance order was made and the nature of those proceedings; (c) the 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.	Procedure / Enforcement / Maintenance
		rule 34.39(4)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s32	(4) The court officer must, on receipt of the application, send a copy of the order to the applicant certified in accordance with... practice direction 34A, together with a copy of any certificate required by that practice direction	Procedure / Enforcement / Maintenance
		rule 34.39(5)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s32; Family Procedure (Amendment) Rules 2011/1328, s36; Family Procedure (Amendment No3) Rules 2013/3204, s135	(5) Paragraph (6) applies where— (a) a maintenance order is registered in the family court; and (b) a person wishes to obtain a certificate giving details of any payments made or arrears accrued under the order while it has been registered, for the purposes of an application made or to be made in connection with that order in— (i) another Contracting State to the 1968 Convention; (ii) another Contracting State to the 1988 Convention (other than a Member State of the European Union); (iii) another Member State of the European Union; (iv) another State bound by the Lugano Convention (other than a Member State of the European Union); (v) another part of the United Kingdom; or (vi) another State bound by the 2007 Hague Convention (other than a Member State of the European Union).	Procedure / Enforcement / Maintenance
		rule 34.39(6)		(6) The person wishing to obtain the certificate referred to in paragraph (5) may make a written application to the court officer for the registering court.	Procedure / Enforcement / Maintenance
		rule 34.39(7)		(7) On receipt of an application under paragraph (6) the court officer must send to the applicant a certificate giving the information requested. (Rule 74.12 (application for certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to the application for a certified copy of a judgment obtained in the High Court or a county court.)	Procedure / Enforcement / Maintenance
		rule 34.40(1)	Family Procedure (Amendment No 4) Rules 2012 2012/2806 s33; Family Procedure (Amendment No3) Rules 2013/3204, s136	(1) This rule applies where a person wishes to enforce a maintenance order obtained in the High Court or the family court in a Member State of the European Union or a State bound by the 2007 Hague Convention (other than a Member State of the European Union).	Enforcement / Maintenance
		rule 34.40	The Family Procedure (Amendment No.3) Rules 2013 (136)	In rule 34.40— (a) in the heading, for "county court" substitute "the family court"; and (b) in paragraph (1) for the words from "a county court" to "a civil partnership proceedings county court" substitute "the family court".	Miscellaneous
		rule 34.40(2)		(2) Subject to the requirements of Practice Direction 34A, rules 74.12 (application for a certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to— (a) an application under Article 40(2) of the Maintenance Regulation for a certified copy of a judgment and an extract relating to that judgment in the form of Annex II to that Regulation; (b) an application for a certified copy of a judgment and a certificate giving particulars relating to the judgment and the proceedings in which it was given.	Procedure / Enforcement / Maintenance
		rule 35.1(1)		(1) This Part applies to mediated cross-border disputes that are subject to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters ("the Mediation Directive").	Mediation
		rule 35.1(2)		(2) In this Part— "cross-border dispute" has the meaning given by article 2 of the Mediation Directive; "mediation" has the meaning given by article 3(a) of the Mediation Directive; "mediation administrator" means a person involved in the administration of the mediation process; "mediation evidence" means evidence regarding information arising out of or in connection with a mediation process; "mediator" has the meaning given by article 3(b) of the Mediation Directive; and "relevant dispute" means a cross-border dispute that is subject to the Mediation Directive.	Mediation
		rule 35.2(1)		(1) This rule applies in relation to proceedings for a financial remedy where the applicant, with the explicit consent of the respondent, wishes to make an application that the content of a written agreement resulting from mediation of a relevant dispute be made enforceable by being made the subject of a consent order.	Mediation
		rule 35.2(2)		(2) The court will not include in a consent order any matter which is contrary to the law of England and Wales or which is not enforceable under that law.	Mediation
		rule 35.2(3)		(3) The applicant must file two copies of a draft of the order in the terms sought.	Procedure / Mediation
		rule 35.2(4)		(4) Subject to paragraph (5), the application must be supported by evidence of the explicit consent of the respondent.	Procedure / Mediation
		rule 35.2(5)		(5) Where the respondent has written to the court consenting to the making of the order sought, the respondent is deemed to have given explicit consent to the order and paragraph (4) does not apply.	Procedure / Mediation
		rule 35.2(6)		(6) Paragraphs (1)(b) and (2) to (6) of rule 9.26 apply to an application to which this rule applies.	Mediation
		rule 35.3(1)		(1) Where a party to proceedings seeks disclosure or inspection of mediation evidence that is in the control of a mediator or mediation administrator, that party must first obtain the court's permission to seek the disclosure or inspection, by an application made in accordance with Part 18.	Procedure / Mediation / Evidence
		rule 35.3(2)		(2) The mediator or mediation administrator who has control of the mediation evidence must be named as a respondent to the application and must be served with a copy of the application notice.	Procedure / Mediation / Evidence
		rule 35.3(3)		(3) Evidence in support of the application must include evidence that— (a) all parties to the mediation agree to the disclosure or inspection of the mediation evidence; (b) disclosure or inspection of the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(a) of the Mediation Directive; or (c) the disclosure of the content of an agreement resulting from mediation is necessary to implement or enforce that agreement.	Procedure / Mediation / Evidence
		rule 35.3(4)		(4) Where this rule applies, Parts 21 to 24 apply to the extent they are consistent with this rule.	Procedure / Evidence

		rule 35.4(1)		(1) This rule applies where a party wishes to obtain mediation evidence from a mediator or mediation administrator by— (a) a witness summons; (b) cross-examination with permission of the court under rule 22.8 or 23.4; (c) an order under rule 24.7 (evidence by deposition); (d) an order under rule 24.9 (enforcing attendance of witness); (e) an order under rule 24.10(4) (deponent's evidence to be given orally); or (f) an order under rule 24.12 (order for the issue of a letter of request).	Mediation / Evidence
		rule 35.4(2)		(2) When applying for a witness summons, permission under rule 22.8 or 23.4 or order under rule 24.7, 24.9, 24.10(4) or 24.12, the party must provide the court with evidence that— (a) all parties to the mediation agree to the obtaining of the mediation evidence; (b) obtaining the mediation evidence is necessary for overriding considerations of public policy in accordance with article 7(1)(a) of the Mediation Directive; or (c) the disclosure of the content of an agreement resulting from mediation is necessary to implement or enforce that agreement.	Mediation / Evidence
		rule 35.4(3)		(3) When considering a request for a witness summons, permission under rule 22.8 or 23.4 or order under rule 24.7, 24.9, 24.10(4) or 24.12, the court may invite any person, whether or not a party, to make representations.	Mediation / Evidence
		rule 35.4(4)		(4) Where this rule applies, Parts 21 to 24 apply to the extent they are consistent with this rule.	Procedure / Evidence
		rule 37.1(1)	Family Procedure (Amendment No2) 2014/667, s44; Family Procedure (Amendment No 4) Rules 2014 2014/3296 s12	(1) This Part sets out the procedure in respect of— (a) a commitment for breach of a judgment, order, undertaking to do or abstain from doing an act or of an incoming protection measure; (b) contempt in the face of the court;	Protection Measures
		rule 38.1(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) This Part contains rules about the mutual recognition and enforcement of protection measures between England and Wales and Member States of the European Union other than the United Kingdom and Denmark.	Recognition & Enforcement / Protection Measures
		rule 38.1(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) In this Part— "Article 5 certificate" means a certificate issued under Article 5 of the Protection Measures Regulation; "Article 8 notice" means the notification required by Article 8 of the Protection Measures Regulation; "Article 11 notice" means the notification required by Article 11 of the Protection Measures Regulation; "Article 14 certificate" means a certificate issued under Article 14 of the Protection Measures Regulation; "outgoing protection measure" means any protection measure included in any of— (a) a non-molestation order made under section 42 of the 1996 Act; (b) an occupation order made under any of sections 33, 35, 36, 37 or 38 of the 1996 Act; (c) an undertaking accepted by the court under section 48 of the 1996 Act; (d) an order that has been varied under section 49 of the 1996 Act; (e) a forced marriage protection order made under section 63A of the 1996 Act; (f) an undertaking accepted by the court under section 63E of the 1996 Act; (g) an order that has been varied under section 63G of the 1996 Act; (h) any other order of the family court or the High Court in family proceedings; or (i) any other undertaking accepted by the family court or the High Court in family proceedings; "person causing the risk" has the meaning given to it in the Protection Measures Regulation; and "protected person" has the meaning given to it in the Protection Measures Regulation.	Protection Measures
		rule 38.2(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) A protected person may apply for an Article 5 certificate— (a) at the time of application for an order containing an outgoing protection measure; or (b) at any time after such application, provided either— (i) the order or the undertaking containing the outgoing protection measure has not yet been made or accepted, as the case may be; or (ii) the outgoing protection measure is still in force.	Protection Measures
		rule 38.2(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) An application for an Article 5 certificate may be made without notice.	Protection Measures
		rule 38.3	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	An application for an Article 5 certificate must be made— (a) where the outgoing protection measure has not yet been ordered or accepted— (i) to the family court if the proceedings relating to the outgoing protection measure are before the family court; (ii) to the High Court if the proceedings relating to the outgoing protection measure are before the High Court; (b) where the outgoing protection measure has been ordered or accepted— (i) to the family court if that court made the order or accepted the undertaking as the case may be, unless there are proceedings relating to that order or undertaking before the High Court, in which case the application must be made to the High Court; (ii) to the High Court if that court made the order or accepted the undertaking as the case may be, unless there are proceedings relating to that order or undertaking before the family court, in which case the application must be made to the family court.	Procedure Measures
		rule 38.4	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	A protected person may request a translation of an Article 5 certificate— (a) at the time of the application for the Article 5 certificate; or (b) at any time after such application, provided the Article 5 certificate— (i) has not yet been issued; or (ii) if issued, is still in force.	Protection Measures
		rule 38.5	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	A request for a translation of an Article 5 certificate must be made— (a) if the certificate has not yet been issued, to— (i) the family court, if the application for the certificate is before the family court; or (ii) the High Court, if the application for the certificate is before the High Court; or (b) if the certificate has been issued, to— (i) the family court, if the family court issued it; (ii) the High Court, if the High Court issued it.	Protection Measures
		rule 38.6(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) Where the outgoing protection measure is included in an order, the court may only issue an Article 5 certificate if satisfied that the order has been served upon the person causing the risk in accordance with the requirements specified in rule 37.5, unless the court has dispensed with service of the order in accordance with the requirements specified in rule 37.8.	Protection Measures
		rule 38.6(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) Where the protected person is responsible for serving the order on the person causing the risk, any application for an Article 5 certificate must be accompanied by a certificate of service.	Protection Measures
		rule 38.7(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) Subject to paragraph (2), the court officer must give Article 8 notice to the person causing the risk by serving it in accordance with Chapter 3 of Part 6 and the rules in that Chapter shall apply to service of the notice as they apply to any other document served by a court officer.	Protection Measures
		rule 38.7(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, the court officer must give Article 8 notice by sending it by registered letter with acknowledgement of receipt or confirmation of delivery or equivalent to the last known place of residence of that person.	Protection Measures
		rule 38.8(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) An application pursuant to Article 9 of the Protection Measures Regulation for rectification of an Article 5 certificate must be made to— (a) the family court if the family court issued the certificate; (b) the High Court if the High Court issued the certificate.	Protection Measures
		rule 38.8(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) An application for such rectification may be made by— (a) the protected person; or (b) the person causing the risk.	Protection Measures
		rule 38.8(3)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(3) An Article 5 certificate may be rectified pursuant to Article 9(1)(a) of the Protection Measures Regulation by the court— (a) on application under this rule; or (b) on its own initiative.	Protection Measures
		rule 38.9(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) An application pursuant to Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate must be made to— (a) the family court if the family court issued the certificate; or (b) the High Court if the High Court issued the certificate.	Protection Measures
		rule 38.9(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) An application for such withdrawal may be made by— (a) the protected person; or (b) the person causing the risk.	Protection Measures
		rule 38.9(3)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(3) An Article 5 certificate may be withdrawn pursuant to Article 9(1)(b) of the Protection Measures Regulation by the court— (a) on application under this rule; or (b) on its own initiative.	Protection Measures
		rule 38.10	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	A protected person or person causing the risk may apply for an Article 14 certificate— (a) at the time of application for variation or discharge of the order containing the outgoing protection measure, or for acceptance of a variation or discharge of the undertaking containing the outgoing protection measure, as the case may be; (b) at any time after the variation or discharge of the order containing the outgoing protection measure has been ordered or the variation or discharge of the undertaking containing the outgoing protection measure has been accepted, as the case may be; (c) at the time of application under Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate; (d) at any time after an Article 5 certificate has been withdrawn under Article 9 of the Protection Measures Regulation; (e) at the time of application for an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure; or (f) any time after, the making of an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure.	Protection Measures

		rule 38.11	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	An application for an Article 14 certificate must be made— (a) if the order containing the outgoing protection measure has not yet been varied or discharged or a variation or discharge of the undertaking containing the protection measure has not yet been accepted, as the case may be, to— (i) the family court if the application for such variation or discharge is before the family court; or (ii) the High Court if the application for such variation or discharge is before the High Court; (b) if there has been an application under Article 9 of the Protection Measures Regulation for withdrawal of the Article 5 certificate, and that application has not yet been decided, to— (i) the family court if the application for such withdrawal is before the family court; or (ii) the High Court if the application for such withdrawal is before the High Court; (c) if the order containing the outgoing protection measure has been varied or discharged or the variation or discharge of the undertaking containing the outgoing protection measure has been accepted, as the case may be, to— (i) the family court if the family court ordered or accepted such variation or discharge, as the case may be; or (ii) the High Court if the High Court ordered or accepted such variation or discharge, as the case may be; (d) if an Article 5 certificate has been withdrawn under Article 9, to— (i) the family court if the family court ordered such withdrawal; or (ii) the High Court if the High Court ordered such withdrawal; (e) where enforcement of the order has been stayed or suspended, to— (i) the family court if the family court made the order for the stay or suspension; or (ii) the High Court if the High Court made the order for the stay or suspension.	Protection Measures
		rule 38.12	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	A protected person may apply to the court under Article 11 of the Protection Measures Regulation to adjust the factual elements of an incoming protection measure.	Protection Measures
		rule 38.13(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) Subject to paragraph (2), the court officer must give Article 11 notice to the person causing the risk by serving it in accordance with Chapter 3 of Part 6 and the rules in that Chapter apply to service of the notice as they apply to any other document to be served by a court officer.	Protection Measures
		rule 38.13(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, the court officer must give Article 11 notice by sending it by registered letter with acknowledgment of receipt or other confirmation of delivery or equivalent to the last known place of residence of that person.	Protection Measures
		rule 38.14	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	An application by a person causing the risk for refusal of recognition or enforcement under Article 13 of the Protection Measures Regulation must be made to— (a) the family court if— (i) there are proceedings relating to the same protection measure before the family court; or (ii) proceedings relating to the same protection measure were dealt with by the family court; (b) the High Court if— (i) there are proceedings relating to the same protection measure before the High Court; or (ii) proceedings relating to the same protection measure were dealt with by the High Court; or (c) the family court, unless, applying rule 5.4, the application should be made to the High Court.	Protection Measures
		rule 38.15(1)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(1) This rule applies where an Article 14 certificate has been issued in a Member State of the European Union other than the United Kingdom or Denmark.	Protection Measures
		rule 38.15(2)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(2) A protected person or person causing the risk may apply to the court to stay, suspend or withdraw the effects of recognition or, where applicable, the enforcement of the protection measure.	Protection Measures
		rule 38.15(3)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(3) An application under this rule must include a copy of the Article 14 certificate issued in the other Member State.	Protection Measures
		rule 38.15(4)	Family Procedure (Amendment No 4) Rules 2014 2014/3296 s14	(4) On an application under this rule, the court must make such orders or give such directions as may be necessary to give effect to the Article 14 certificate.	Protection Measures
16	Family Proceedings Fees Order 2008				
		Article 1(2)	Family Proceedings Fees (Amendment) Order 2015/687, s.3	(2) In this Order— (a) "LSC" means the Legal Services Commission established under section 1 of the Access to Justice Act 1999; (b) "the FPR 2010" means the Family Procedure Rules 2010; and (c) expressions also used in the FPR 2010 have the same meaning as in the FPR 2010; (d) "EU Regulation 606/2013" means Regulation (EU) No 606/2013 of the European Parliament and of the Council of June 2013 on mutual recognition of protection measures in civil matters; and (e) "protection measure" and "protected person" have the same meaning as in EU Regulation 606/2013.	Protection Measures
		Article 3A	Family Proceedings Fees (Amendment) Order 2015/687, s.4	(3A) Fees 1.1, 5.1 and 5.3 in Schedule 1 (fees to be taken) are not payable— (a) in any proceedings relating to protection measures under EU Regulation 606/2013 if the person who would otherwise be liable to pay the fee is the protected person; (b) in proceedings for— (i) a non-molestation order; (ii) an occupation order; or (iii) a forced marriage protection order, under Part 4 or 4A of the Family Law Act 1996; or (bb) in proceedings for a female genital mutilation protection order under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003; or (c) in proceedings issued by the person who commenced proceedings referred to [in sub-paragraphs (b) or (bb)], where that person applies to vary or discharge an order made in those proceedings.	Protection Measures
17	Financial Markets and Insolvency (Settlement Finality) Regulations 1999				
			Note: There are other EU law provisions in these Regulations, but Reg. 25 refers to the Civil Jurisdiction and Judgments Act 1982 and is included as potentially relevant to family law.		Recognition and Enforcement
		Reg. 25, para 3	Civil Jurisdiction and Judgments Regulations 2007/1655, Sch 1, Part 2, para 32	In regulation 25 (insolvency proceedings in other jurisdictions), in paragraph (3), after "civil and commercial matters" insert ", as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters".	Recognition and Enforcement
		Reg. 25, para 3	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 5	For the words from "Council Regulation" to the end substitute "Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L 79, 21.3.2013, p4)".	Recognition and Enforcement
18	High Court and County Courts Jurisdiction Order 1991				
		Article 6(1)(a)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 4	After article 6F insert—"6G—(1) In this article—(a) "the Judgments Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L 79, 21.3.2013, p4)."	Jurisdiction (procedure)
		Article 6(1)(b)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 4	After article 6F insert - "6G - (1) In this article -(b) "adaptation order" means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of England and Wales pursuant to article 54 of the Judgments Regulation."	Jurisdiction (procedure)
		Article 6(2)	Civil Jurisdiction and Judgment (Amendment) Regulations 2014/2947, Reg. 5 and Sch 4, para 4	After article 6F insert - "6G - (1) In this article - (2) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure without an adaptation order must be made to the High Court."	Jurisdiction (procedure)
19	International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012				
		Entire SI			Hague / Maintenance
		s.1(1)		These Regulations may be cited as the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012, and, subject as follows, shall come into force on the day on which the Convention enters into force in respect of the European Union, which day will be notified in the London, Edinburgh and Belfast Gazettes.	
		s. 3		In these Regulations— "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; and "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.	Hague / Maintenance
		s.4(1)		The Lord Chancellor is designated under Article 4 of the Convention as the Central Authority in relation to England and Wales.	Maintenance / Procedure
		s.4(2)		If a person outside the United Kingdom does not know to which Central Authority in the United Kingdom a communication should be addressed, the person may address it to the Lord Chancellor.	Maintenance / Procedure
		s.5		Schedule 1 (which contains provisions relating to the establishment, modification, recognition and enforcement in England and Wales pursuant to the Convention of maintenance decisions made in States bound by the Convention which are not European Union Member States) has effect.	Maintenance / Procedure
		s.6		Schedule 2 (which contains provisions for the enforcement in England and Wales and Scotland of certain international maintenance obligations in relation to children by way of driving disqualification orders) has effect.	Maintenance / Procedure
		s.7		Schedule 3 (which contains provisions relating to access to, and the transmission and use of, information) has effect.	Maintenance / Procedure
		s.8		Schedule 4 (which makes consequential amendments) has effect.	Maintenance / Procedure
		s.9		Schedule 5 (which contains further amendments relating to the Maintenance Regulation) has effect.	Maintenance / Procedure
		s.10(1)		The Secretary of State must from time to time—(a) carry out a review of the provisions of these Regulations, (b) set out the conclusions of the review in a report, and (c) publish the report.	Maintenance / Procedure
		s.10(2)		In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Convention has been given effect in other Member States.	Maintenance / Procedure
		s.10(3)		The report must in particular— (a) set out the objectives intended to be achieved by the provisions of these Regulations, (b) assess the extent to which those objectives are achieved, and (c) assess whether those objectives remain appropriate, and, if so, the extent to which they could be achieved with a system which imposes less regulation.	Maintenance / Procedure
		s.10(4)		The first report under this regulation must be published before the end of the period of five years beginning with the day specified in regulation 1(1).	Maintenance / Procedure
		s.10(5)		Reports under this regulation are afterwards to be published at intervals not exceeding five years.	Maintenance / Procedure

		Sch 1, s.1	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No.2) Order 2014/879, Part 2, Articles 135, 136 and 137 revoke s.1(3)	(1) In this Schedule—“Contracting State” means a State bound by the Convention other than an EU Member State, “court”, in relation to a maintenance decision given in a Contracting State, includes a tribunal, and any administrative authority (within the meaning of Article 19(3)) with competence to make a decision in respect of a maintenance obligation; “maintenance decision” means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the Convention applies by virtue of Article 19(1). (2) In this Schedule, any reference to a numbered Article is a reference to the Article so numbered in the Convention and any reference to a sub-division of a numbered Article shall be construed accordingly.	Hague
		Sch 1, s.2	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No.2) Order 2014/879, Part 2, Articles 135, 136 and 138	(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 the family court. (2) An application for registration is to be transmitted by the Lord Chancellor to the family 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 the family court in the same manner as a maintenance order made by that court. . . . In this sub-paragraph “maintenance order” has the meaning given by section 1(10) of the Maintenance Enforcement Act 1991. (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 [the family court] must give notice of any change of address to the [court officer of the family court in the Designated Family Judge area in which the maintenance decision is registered]; 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.	Hague / Maintenance / Recognition and Enforcement
		Sch 1, s.3	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No.2) Order 2014/879, Part 2, Articles 135, 136 and 139	(1) Subject to sub-paragraph (2) and rules of court as to the payment of interest under this paragraph, where a person applying for registration of a maintenance decision shows that— (a) the decision provides for the payment of money, and (b) in accordance with the law of the Contracting State in which the maintenance decision was given and the terms of the decision, interest on that sum is recoverable at a particular rate and from a particular date or time, the debt resulting from registration of the decision is to carry interest at that rate and from that date or time. (2) Interest is not recoverable under sub-paragraph (1) unless the rate of interest and the date or time referred to in sub-paragraph (1)(b) are registered with the decision.	
		Sch 1, s.4		(1) Sums payable under a maintenance decision registered in England and Wales under the Convention, including any arrears so payable, shall be paid in sterling. (2) Where the maintenance decision is expressed in any other currency, the amounts shall be converted on the basis of the exchange rate prevailing on the date on which the application for registration was received by the Lord Chancellor for transmission to a court. (3) For the purposes of this paragraph, a written certificate purporting to be signed by an officer of any bank in England and Wales and stating the exchange rate prevailing on a specified date shall be evidence of the facts stated.	Hague / Maintenance / Procedure
		Sch 1, s.5		(1) For the purposes of proceedings relating to the Convention a document, duly authenticated, which purports to be a copy of a maintenance decision given by a court in a Contracting State shall without further proof be deemed to be a true copy, unless the contrary is shown. (2) A document purporting to be a copy of a maintenance decision given by a court in a Contracting State is duly authenticated for the purposes of this paragraph if it purports— (a) to bear the seal of that court; or (b) to be certified by any person in that person's capacity as a judge or officer of that court to be a true copy of a maintenance decision given by that court. (3) Nothing in this paragraph shall prejudice the admission in evidence of any document which is admissible apart from this paragraph.	Hague / Maintenance / Procedure
		Sch 1, s.6		(1) References in this paragraph to maintenance arrangements are to those maintenance arrangements (as defined in Article 3(e)) which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 30. (2) In relation to a maintenance arrangement which is enforceable as a maintenance decision in the Contracting State of origin, this Schedule applies, subject to the modifications in sub-paragraphs (3), (4) and (5), as if that maintenance arrangement was a maintenance decision given by a court of that State. (3) Paragraph 2 applies to maintenance arrangements as if— (a) in sub-paragraph (6), for “as if the decision had originally” there were substituted “as if it were a decision which had originally”; (b) after sub-paragraph (9)(b) there were inserted—“(c) Article 30(6) (restriction on enforcement where there is a challenge to a maintenance arrangement in the Contracting State of origin).”; (4) Paragraph 3 applies to maintenance arrangements as if in sub-paragraph (1)(b), for the word “given” there were substituted “concluded”; (5) Paragraph 5 applies to maintenance arrangements as if—(a) in sub-paragraph (1), for “given by a court” there were substituted “formally drawn up or registered as an authentic instrument by, or authenticated by, or concluded, registered or filed with a competent authority”; (b) for sub-paragraph (2) there were substituted—“(2) A document purporting to be a copy of a maintenance arrangement drawn up or registered as an authentic instrument by, or authenticated by, or concluded, registered or filed with a competent authority in a Contracting State is duly authenticated for the purposes of this paragraph if it purports to be certified to be a true copy of such an arrangement by a person duly authorised in that State to do so.” (6) Section 18 of the Civil Jurisdiction and Judgments Act 1982 does not apply to maintenance arrangements.	Hague / Maintenance / Enforcement / Procedure
		Sch 1, s.7	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No.2) Order 2014/879, Part 2, Articles 135, 136 and 140	(1) Upon receipt of an application submitted under Article 10 for establishment or modification of a decision, the Lord Chancellor shall send that application to the court officer of the family court in the Maintenance Enforcement Business Centre for the area in which the respondent is residing. (2) Upon receipt of the application under sub-paragraph (1), the court officer of that court shall decide - (a) whether the courts of England and Wales have jurisdiction to determine the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; and (b) if so, whether the family court has the power to make the decision or modification sought under the law in force in England and Wales. (3) Where the court officer decides under sub-paragraph (2)(a) that the courts of England and Wales do not have jurisdiction to determine the application, the court officer shall return the application to the Lord Chancellor with a written explanation of the reasons for that decision.....(5) Subject to sub-paragraph (6), if the [court officer] decides under sub-paragraph (2)(b) that the family court has power to make the decision or modification sought, the court officer shall issue the application and serve it on the respondent. (6) If the respondent does not [reside in the area covered by the Maintenance Enforcement Business Centre to which the application has been sent, the court officer shall— (a) if satisfied that the respondent is residing within the area covered by another Maintenance Enforcement Business Centre, send the application to the court officer of the family court in the Maintenance Enforcement Business Centre for that other area and inform the Lord Chancellor that it has been so sent; or (b) if unable to establish where the respondent is residing, return the application to the Lord Chancellor. (7) A court officer who receives an application by virtue of sub-paragraph (6)(a) shall proceed under sub-paragraph (5) as if that court officer had decided that the family court has power to make the decision or modification sought. (8) Where the court officer has determined in accordance with sub-paragraph (2)(b) that the family court has power to make the decision or modification sought, the application shall be treated for the purpose of establishment or modification of a decision under the law in force in England and Wales. (9) In this paragraph— “respondent” means the person who is alleged in an application for establishment of a decision under Article 10 to owe maintenance, or where the application is for modification of a decision, the applicant for the original decision; and a reference to an application is a reference to an application together with any documents which accompany it.	Hague / Maintenance / Modification / Procedure
		Sch 1, s.7	Civil Jurisdiction and Judgments (Maintenance) and International Recovery of Maintenance (Hague Convention 2007 etc) (Amendment) Order 2015/1489, Article 4	4. Amendment of Schedule 1 to the 2012 Regulations In paragraph 7 of Schedule 1 to the 2012 Regulations 1 (applications for establishment or modification of maintenance in England and Wales)— (a) in sub-paragraph (1) for “the Designated Family Judge area” substitute “the Maintenance Enforcement Business Centre for the area”; and (b) in sub-paragraph (6)— (i) for “reside in the Designated Family Judge area” substitute “reside in the area covered by the Maintenance Enforcement Business Centre”; and (ii) in paragraph (a)— (aa) for “another Designated Family Judge area” substitute “the area covered by another Maintenance Enforcement Business Centre”; and (bb) after “family court in” insert “the Maintenance Enforcement Business Centre for”.	Hague / Maintenance / Modification / Procedure
		Sch 2, s.1		The provisions of this Schedule apply in relation to the enforcement of a maintenance decision relating to a child where that maintenance decision is registered for enforcement, or enforceable, by virtue of— (a) the Council Regulation; (b) the Lugano Convention; (c) the Maintenance Regulation; or (d) the Convention.	Maintenance / Enforcement

		Sch 2, s.2	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No 2) Order 2014/879, Part 2, Articles 135, 141 and 142	<p>(1) In this Schedule—</p> <p>"the 1980 Act" means the Magistrates' Courts Act 1980;</p> <p>"the Council Regulation" means Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;</p> <p>"the Lugano Convention" means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed on behalf of the European Community on 30th October 2007;</p> <p>"arrears" means a sum or sums payable to the creditor from the debtor which have fallen due under the terms of a maintenance decision and which the debtor has not paid;</p> <p>"the court" means— in England and Wales, a magistrates' court; in Scotland, the sheriff court;</p> <p>"the creditor" means a person to whom a sum or sums of maintenance are owed by the debtor under the terms of a maintenance decision in relation to which an application under this Schedule is made, and includes— a public body acting in place of an individual to whom maintenance is owed or to which reimbursement is owed for benefits provided in place of maintenance, to the extent that such a body may seek enforcement of a maintenance decision under the terms of an international agreement referred to in paragraph 1; and [an officer of the family court, where the sum or sums of maintenance must be paid to the family court;</p> <p>"the debtor" means the person who is liable to pay a sum or sums to the creditor under the terms of the maintenance decision in relation to which a complaint referred to in paragraph 3(2) or an application referred to in paragraph 4(1) of this Schedule is made;</p> <p>"driving disqualification order" means an order under paragraph 5(1)(a) of this Schedule;</p> <p>"maintenance decision" means a maintenance obligation to which an international agreement mentioned in paragraph 1 applies and which is— in England and Wales, a maintenance order enforceable in the family court; in Scotland, a maintenance order within the meaning of section 106 of the Debtors (Scotland) Act 1987.</p> <p>(2) In this Schedule—</p> <p>(a) "child" means a person who—</p> <p>(i) either—</p> <p>(aa) has not attained the age of 16, or</p> <p>(bb) has not attained the age of 20, and is receiving full time education or vocational training; and</p> <p>(ii) is not or has not been party to a marriage, to a civil partnership or to an overseas relationship treated as a civil partnership under section 215 of the Civil Partnership Act 2004, and for the purposes of sub-paragraph (ii) "marriage" and "civil partnership" include a void marriage and a void civil partnership respectively;</p> <p>(b)</p> <p>(i) "driving licence" means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988.</p>	Maintenance / Enforcement / Procedure
		Sch 2, s.2	Civil Jurisdiction and Judgments (Maintenance) and International Recovery of Maintenance (Hague Convention 2007 etc) (Amendment) Order 2015/1489, Articles 3 and 5	5. Amendment of Schedule 2 to the 2012 Regulations	Maintenance / Enforcement / Procedure
		Sch 2, s.3	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No 2) Order 2014/879, Part 2, Articles 135, 141 and 143	<p>In paragraph 2 of Schedule 2 to the 2012 Regulations 1 (interpretation), in the definition of "the creditor" for "where there is in force an order that the sum or sums of maintenance be paid to the designated officer of a magistrates' court, that officer" substitute "an officer of the family court, where the sum or sums of maintenance must be paid to the family court."</p> <p>(1) This paragraph applies to England and Wales only. (2) Where payment under a maintenance decision is in arrears, the court may make a driving disqualification order on complaint made by a creditor. (2A) A complaint under sub-paragraph (2) shall not be made earlier than the fifteenth day after the making of the maintenance decision to which it relates, but subject to this such a complaint may be made at any time. (2B) Section 55 of the 1980 Act shall not apply in relation to a complaint under sub-paragraph (2). (2C) Section 56 of the 1980 Act shall have effect in relation to a complaint under sub-paragraph (2) as if the words "if evidence has been received on a previous occasion" were omitted. (2D) Sub-paragraph (2E) applies where, at the time and place appointed for the hearing or adjourned hearing of a complaint under sub-paragraph (2), the complainant appears but the defendant does not. (2E) The court may proceed in the absence of the defendant if— (a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed in rules of court, that the summons was served on the defendant within what appears to the court to be a reasonable time before the hearing or adjourned hearing; or (b) the defendant has appeared on a previous occasion to answer the complaint. (2F) If a complaint under sub-paragraph (2) is substantiated on oath, any justice of the peace acting in the same local justice area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant's arrest, whether or not a summons has been issued previously. (3) The court shall not make a driving disqualification order— (a) in the absence of the debtor; (b) if it considers that, in a case in which it has power to do so, it is appropriate to— (i) make an attachment of earnings order; (ii) make an order under section 55(4) of the 1980 Act; or (iii) issue a warrant of control for the purpose of recovering the arrears under section 76(1) of that Act; (c) unless either— (i) the creditor has sought to obtain a charging order or a third party debt order in respect of the arrears and the arrears or any portion of them remain unpaid; or (ii) the debtor has no assets in England and Wales which are susceptible to such methods of enforcement. (4) Pending the entry into force of section 62 of, and Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007, the reference in sub-paragraph (b)(iii)</p>	Maintenance / Enforcement / Procedure
		Sch 2, s.5		<p>(1) If, but only if, the court is of the opinion that the failure to pay the arrears is due to wilful refusal or culpable neglect on the part of the debtor, it may— (a) make an order (a driving disqualification order) disqualifying the debtor from holding or obtaining a driving licence for such period specified in the order, not exceeding two years, as it thinks fit; (b) make a driving disqualification order but suspend its operation until such time and on such conditions (if any) as it thinks just. (2) The court shall not make a driving disqualification order unless it has enquired, in the presence of the debtor, as to— (a) the debtor's means (b) whether the debtor needs a driving licence to earn his or her living; and (c) whether the failure to pay the arrears is due to wilful refusal or culpable neglect on the part of the debtor.</p>	Maintenance / Enforcement / Procedure
		Sch 2, s.6		A driving disqualification order must state the amount of arrears in respect of which it is made and the period to which they relate and the amount may not exceed the arrears owing under the maintenance decision at the date on which the complaint referred to in paragraph 3 or the application under paragraph 4 was made	Maintenance / Enforcement / Procedure
		Sch 2, s.7		A court which makes a driving disqualification order shall require the person to whom it relates to produce any driving licence held by that person	Maintenance / Enforcement / Procedure
		Sch 2, s.8		<p>(1) The court shall not, in relation to arrears (a) make a driving disqualification order during the currency of a warrant committing the debtor to prison where a driving disqualification order has been made in respect of the same arrears but the period of disqualification specified in the driving disqualification order has not expired. (2) In sub-paragraph (1)—(a) references to a warrant committing the debtor to prison include such a warrant of which has been postponed; (b) references to a driving disqualification order include such an order which has been suspended in accordance with paragraph 5(1)(b); and (c) references to the currency of a warrant, or to the period of disqualification specified in a driving disqualification order, are to be read as including references to the period of postponement of a warrant or suspension of disqualification respectively.</p>	Maintenance / Enforcement / Procedure
		Sch 2, s.9		<p>(1) On application by the creditor or the debtor, the court— (a) may, if part of the amount in respect of which the order is made is paid to any person authorised to receive it, make an order substituting a shorter period of disqualification, or revoking the driving disqualification order; and (b) must, if the whole of the amount is so paid, make an order revoking the driving disqualification order. (2) An application under sub-paragraph (1) shall be made— (a) in England and Wales, by complaint;.....</p>	Maintenance Enforcement / Procedure
		Sch 2, s.10	Crime and Courts Act 2013 (Family Court: Consequential Provision) (No 2) Order 2014/879, Part 2, Articles 135, 141 and 144	Upon the making of a further complaint under paragraph 3(2) of this Schedule or application under paragraph 4 of this Schedule, the court may make a further driving disqualification order if the arrears in respect of which the driving disqualification order was made have not been paid in full when the period of disqualification specified in that order expires	Maintenance / Enforcement / Procedure
		Sch 2, s.11		Where a court— (a) makes a driving disqualification order; or (b) makes an order varying or revoking a driving disqualification order, it shall send notice of that fact and any driving licence produced to the court to the Secretary of State.	Maintenance / Enforcement / Procedure
		Sch 2, s.12		In England and Wales, a justice of the peace may issue a summons to the debtor to produce to a magistrates' court any driving licence held by the debtor, and issue a warrant for the debtor's arrest if the debtor does not comply.	Maintenance / Enforcement / Procedure
		Sch 3, s.1		<p>(1) Subject to the provisions of this Schedule, the Secretary of State, and Revenue and Customs officials, shall provide to the Central Authority such information mentioned at paragraph 3 as they hold in the course of their ordinary activities and which is necessary to facilitate establishment, modification, recognition, registration or enforcement of a maintenance obligation to which the Convention applies, except that provision of information may be refused where it would pose a threat to public safety or national security. (2) The information to be supplied by the Secretary of State is limited to information held for functions relating to social security, child support, employment or training. (3) In this Schedule, references to the Secretary of State include a person providing services to the Secretary of State in connection with the functions mentioned at sub-paragraph (2).</p>	Maintenance / Procedure
		Sch 3, s.2		<p>(1) The information shall be provided to the Central Authority upon its request. (2) The Central Authority may not request the information unless the following conditions are met— (a) the application to which the request relates has been made under Chapter III of the Convention (applications through Central Authorities) or is an application for a specific measure under Article 7 relating to the location of the debtor or creditor, or to obtaining the information in Article 6(2)(c) (relevant financial circumstances); (b) the request is limited to information which is relevant for the establishment, modification, recognition, registration or enforcement (as the case may be) of the maintenance obligation in question.</p>	Maintenance / Procedure
		Sch 3, s.3		<p>(1) Subject to sub-paragraphs (2) to (4), the information to be supplied under paragraph 1 is— (a) the address of the debtor or of the creditor; (b) details of the debtor's income; (c) the identity and contact details of the debtor's employer; (d) details of any deposit account or withdrawable share account that the debtor holds with a deposit-taker; (e) details of the debtor's assets. (2) Where the application to which the request relates is for establishment or modification of a maintenance obligation, the Central Authority may only request the address of the debtor or of the creditor. (3) The information at sub-paragraph (1)(e) may not be requested unless the information at sub-paragraphs (1)(b) to (d) is insufficient to enable enforcement of the maintenance obligation. (4) Where the application to which the request relates is for a specific measure in accordance with paragraph 2(2)(a), the information in sub-paragraph (1)(b), (d) and (e)— (a) shall consist only of an indication as to whether the debtor has income or assets in England and Wales, Scotland or Northern Ireland (as the case may be); and (b) shall be supplied only if the creditor produces to the Central Authority a copy of the maintenance obligation or an abstract from it together with the document required by Article 25(1)(b) or Article 30(3)(b), as appropriate, stating that it is enforceable in the Contracting State in which it was made, and no information may be supplied in relation to the identity and contact details of the debtor's employer.</p>	Maintenance / Procedure
		Sch 3, s.4		<p>(1) The Central Authority shall transmit the information received in accordance with this Schedule to— (a) the relevant court in England and Wales, or Scotland or Northern Ireland (as the case may be) seized of the application referred to in paragraph 2(2)(a); (b) where necessary, the requesting Central Authority, as appropriate.</p>	Maintenance / Procedure

		Sch 3, s.5		Subject to the provisions of the Convention and of this Schedule, the persons and authorities to whom the Central Authority transmits information in accordance with this Schedule and the requirements of Articles 6 and 7 may process that information in any manner necessary to facilitate the adjudication and recovery of the maintenance obligation to which the request relates.	Maintenance / Procedure
		Sch 3, s.6		The Central Authority, any court to which it transmits information in accordance with paragraph 4, and any person or authority within the United Kingdom to whom that information is transmitted (whether by a court or by the Central Authority)—(a) may use information provided under this Schedule only for the purpose of facilitating recovery of maintenance in accordance with this Schedule and the Convention; (b) may not disclose to the applicant the information so provided, except that—(i) the existence, or not as the case may be, of an address, income or assets in England and Wales, or Scotland or Northern Ireland (as relevant) may be so disclosed; (ii) the information may be disclosed if required by rules of court; (c) may not store the information beyond the period necessary for the purpose it was provided to it.	Maintenance / Procedure
		Sch 3, s.7		(1) Subject to paragraph 6(b), information referred to in paragraph 3(1) which is received by a Central Authority from a person or an authority listed in paragraph 1 cannot be disclosed to another person unless the disclosure is in connection with a function of the Central Authority under Articles 6 and 7, and Chapter III. (2) Sub-paragraph (1) does not apply to—(a) the disclosure of information which is in the form of a summary or collection of information so framed as not to enable identification of any person from the information; (b) disclosure which is made in pursuance of an order of a court; (c) disclosure which is required by any other enactment.	Maintenance / Procedure
		Sch 3, s.8		(1) Subject to sub-paragraph (3), a person who—(a) is or has been employed by the Central Authority, or (b) provides or has provided services to the Central Authority, is guilty of an offence if that person makes disclosure, otherwise than in accordance with this Schedule, of information referred to in paragraph 3 which has been obtained from a person or authority listed in paragraph 1 and which relates to a person whose identity is specified in the information disclosed or can be deduced from it. (2) It is a defence to prove that, at the time of the alleged offence, the person making the disclosure believed that the person was making the disclosure lawfully in accordance with this Schedule and the Convention, and had no reasonable cause to believe otherwise. (3) Sub-paragraph (1) does not apply to disclosure of information received by such a person from the Secretary of State where the information so disclosed is held by the Secretary of State for the purposes of employment or training only.	Maintenance / Procedure
		Sch 3, s.9		A person found guilty of an offence under this Schedule shall be liable—(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both; (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both.	Maintenance / Enforcement / Procedure
		Sch 3, s.10		(1) In this Schedule “Central Authority” means—(a) in relation to England and Wales, the Lord Chancellor; (b)(c) and references to “Central Authority” include persons employed by or supplying services to that Central Authority; “deposit-taker” means any person who may, in the course of their business, lawfully accept deposits in the United Kingdom; “maintenance obligation” means any maintenance obligation to which the Convention (as applied by the United Kingdom) applies, and includes maintenance arrangements as defined in Article “requesting Central Authority” means the Central Authority of another Contracting State to the Convention which has made the request for information or sent the application under Article 10, or the specific measures request under Article 7; “Revenue and Customs officials” has the meaning given by section 18 of the Commissioners for Revenue and Customs Act 2005; “functions relating to social security” includes functions relating to statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992 and maternity allowance under section 35 of that Act. (2) In this Schedule any reference to a numbered Article or Chapter is to the Article or Chapter so numbered in the Convention and any reference to a sub-division of a numbered Article shall be construed accordingly.	Maintenance / Procedure
		Sch 4, s.7(3), s.7(4) and s.7(5)		Recovery Abroad of Maintenance (Convention Countries) Order 1975 7 [The amendments at s.7(1) and s.7(2) are set out below in the row and tab for the Recovery Abroad of Maintenance (Convention Countries) Order 1975.] ... (3) Despite sub-paragraph (1), Norway is to continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to— (a) proceedings on an application to which section 27A, 28C or 31(1) of the Act apply and which were continuing on the coming into force date; (b) proceedings on an application for variation or revocation of an order registered under Part 2 of the Act which were continuing on the coming into force date; (c) enforcement of an order registered under Part 2 of the Act before the coming into force date or upon the making of an order in proceedings within paragraph (a). (4) Despite sub-paragraph (1), Norway is to continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to any matter relating to maintenance which is— (a) within scope of the United Nations Convention on the Recovery Abroad of Maintenance done at New York on 20th June 1956; and (b) not within scope of the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, 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. (5) In this paragraph— “the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972; “the coming into force date” means the day on which the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007 enters into force in respect of the European Union.	Maintenance
		Sch 4, s.8(4) and s.8(5)		Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 8 [The amendments at s.8(1), s.8(2) and s.8(3) are set out below in the row and tab for The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993.] ... (4) Despite sub-paragraph (2), Norway is to continue to be treated as a Hague Convention Country for the purposes of Part 1 of the Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993— (a) in accordance with Article 48 of the 2007 Hague Convention, in relation to any matter relating to maintenance which is— (i) within scope of the 1973 Hague Convention, and (ii) not within the 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 Norway before the entry into force of that Convention for Norway 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 (2), the decision would have been recognised and enforced under Part 1 of the Act as modified as mentioned above; (c) in relation to any of the following proceedings which are continuing on the day on which these Regulations come into force in accordance with regulation 1(1)— (i) proceedings for the establishment of a maintenance order under section 3 of the Act pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date, recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E); (ii) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply; (iii) proceedings under section 6 of the Act for registration of a maintenance order where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date; (d) 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. (5) In this paragraph— “the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972; “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, 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; “the 1973 Hague Convention” means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations done at The Hague on 2nd October 1973 as it applies in the United Kingdom; “maintenance decision” means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1), or to which the 1973 Hague Convention applies, as the case may be; “registered order” has the meaning given in section 21(1) of the Act.	Maintenance
		Sch 5, s.4(2) and s.4(3)		Recovery Abroad of Maintenance (Convention Countries) Order 1975 4 [The amendments at s.4(1) are set out below in the row and tab for the Recovery Abroad of Maintenance (Convention Countries) Order 1975.] ... (2) Despite sub-paragraph (1), the countries listed in that sub-paragraph are to continue to be treated as Convention Countries for the purposes of Part 2 of the Act in relation to— (a) proceedings on an application to which section 27A, 28C or 31(1) of the Act apply and which were continuing on 18 June 2011; (b) proceedings on an application for variation or revocation of an order registered under Part 2 of the Act which were continuing on 18 June 2011; (c) enforcement of an order registered under Part 2 of the Act before 18 June 2011 or upon the making of an order in proceedings within paragraph (a). (3) In sub-paragraph (2), “the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972.	Maintenance

		Sch 5, s.5(2) and s.5(3)		Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975 5 [The amendments at s.5(1) are set out below in the row and tab for the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975.] ... (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 in connection with— (a) proceedings on an application under section 3 or 4 of the Act for a provisional order which were continuing on 18 June 2011; (b) the application of section 3(6) of the Act to an order confirmed by a competent court in Malta, where such confirmation occurred before 18 June 2011 or where the confirmation relates to an order made in proceedings within paragraph (a); (c) proceedings on an application for variation or revocation of a maintenance order to which section 5 of the Act applies which were continuing on 18 June 2011; (d) proceedings under section 7 of the Act for confirmation of a provisional order made by a court in Malta where the provisional order was made before 18 June 2011; (e) enforcement in accordance with section 8 of the Act of a maintenance order made by a court in Malta where that order was registered— (i) under section 6 or 7 of the Act before 18 June 2011; (ii) in proceedings within paragraphs (d), (f) or (g); (f) proceedings on an application under section 9 of the Act for revocation or variation of a maintenance order registered in a United Kingdom court where those proceedings were continuing on 18 June 2011; (g) proceedings under section 9(6) of the Act for the confirmation of a provisional order made by a court in Malta varying a registered order, where the provisional order was made before 18 June 2011; (h) the effect of revocation of a registered order (see section 9(9) of the Act); (i) cancellation or transfer of the registration of an order in accordance with section 10 of the Act. (3) In sub-paragraph (2), "the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972.	Maintenance
20	Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014				
		s.1(4)		1.— Citation, commencement and interpretation ... (4) In this Order— "the Act" means the Marriage (Same Sex Couples) Act 2013; and "the 2004 Act" means the Civil Partnership Act 2004.	Miscellaneous
		Sch 2, Part 2, para 3		3. Provision displacing the effect of section 11(1) and (2) of the Act in respect of EU instruments	Miscellaneous
21	Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014			Section 11(1) and (2) of the Act does not apply to EU instruments.	
		Entire SI	The entire SI is relevant		Jurisdiction and Recognition
		s.1		1.— Citation, commencement and extent (1) These Regulations may be cited as the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 and shall come into force on 13th March 2014. (2) These Regulations extend to England and Wales only.	Jurisdiction and Recognition
		s.2		2. Jurisdiction The court has jurisdiction in proceedings for the divorce of, or annulment of the marriage of, a same sex couple or for the judicial separation of a married same sex couple where— (a) both spouses are habitually resident in England and Wales; (b) both spouses were last habitually resident in England and Wales and one of the spouses continues to reside there; (c) the respondent is habitually resident in England and Wales; (d) the petitioner is habitually resident in England and Wales and has resided there for at least one year immediately preceding the presentation of the petition; (e) the petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately preceding the presentation of the petition; or (f) both spouses are domiciled in England and Wales.	Jurisdiction
		s.3(1)		(a) "Judgment" means a judgment of a court of a member State which orders the divorce of, or annulment of the marriage of, a same sex couple or the judicial separation of a married same sex couple; (b) "member State" means a member State of the European Union other than the United Kingdom.	Recognition
		s.3(2)		A "court of a member State" referred to in paragraph (1)(a) means any authority, whether judicial or administrative, in a member State with jurisdiction in those matters falling within the scope of these Regulations.	Recognition
		s.4(1)		Where a judgment is (or has been) given in respect of a marriage of a same sex couple, that judgment shall, without any special formalities, be recognised.	Recognition
		s.4(2)		Any interested party may, in accordance with the procedure set out in the Family Procedure Rules 2010, apply to the court for a judgment to be, or not to be, recognised.	Recognition
		s.4(3)		Where the recognition of a judgment is raised as an incidental issue in proceedings before the court, that court may determine the issue.	Recognition
		s.5(1)		The court shall refuse to recognise the validity of a judgment if the judgment was obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the marriage— (a) previously given in proceedings between the same parties by a court of civil jurisdiction in England and Wales, or (b) previously given in proceedings between the same parties by a court elsewhere, but only if that decision was capable of being recognised or was entitled to be recognised in England and Wales at the time it was obtained.	Recognition
		s.5(2)		The court shall refuse to recognise the validity of a judgment if the judgment was obtained at a time when the law of England and Wales did not recognise marriages of same sex couples.	Recognition
		s.5(3)		Paragraph (2) does not prevent the recognition of a judgment if, at the time the judgment was obtained, the marriage would have been treated as a subsisting civil partnership according to the law of England and Wales.	Recognition
		s.5(4)		The court shall refuse to recognise the validity of a judgment if— (a) in the case of a judgment obtained by means of proceedings, it was obtained— (i) without such steps having been taken for giving notice of the proceedings to a spouse as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or (ii) without a spouse having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, he or she should reasonably have been given; or (b) in the case of a judgment obtained otherwise than by means of proceedings— (i) there is no official document certifying that the judgment is effective under the law of the country in which it was obtained, or (ii) where either spouse was domiciled in another country at the relevant date, there is no official document certifying that the judgment is recognised as valid under the law of that other country; or (c) in either case, recognition of the judgment would be manifestly contrary to public policy.	Recognition
		s.5(5)		In this regulation— official, in relation to a document certifying that a judgment is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under that law, the relevant date means— (a) in the case of a judgment obtained by means of proceedings, the date of the commencement of the proceedings; (b) in the case of a judgment obtained otherwise than by means of proceedings, the date on which it was obtained.	Procedure / Jurisdiction
		s.6		The court may not review the jurisdiction of the court which issued the judgment.	Jurisdiction
		s.7		A judgment may not be reviewed as to its substance.	Jurisdiction
		s.8		The court may not refuse to recognise a judgment because the law of England and Wales would not allow divorce, annulment or judicial separation on the same facts.	Recognition
		s.9		Where recognition is sought of a judgment given in a member State and an appeal against that judgment has been lodged in that member State, the court may stay the proceedings.	Jurisdiction
22	Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010				
		Reg. 2		In these Regulations— "Central Authority" has the meaning given by regulation 9(1); "Contracting State" means a state party to the Convention; "the Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996; "the Council Regulation" means Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility; ... "member State" means a member State of the European Union which is bound by the Council Regulation;	Miscellaneous
		Reg. 3(1)		This regulation applies where— (a) a court has exercised its power under Article 8 of the Convention to request an authority of another Contracting State to assume jurisdiction in relation to an application, (b) the court has stayed proceedings on the application, and (c) Part 1 of the Family Law Act 1986 does not apply in relation to the application.	Jurisdiction
		Reg. 3(2)		The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Convention, and withdraw any request made by it under that Article to an authority in another Contracting State to assume jurisdiction, if— (a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or (b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.	Jurisdiction
		Reg. 5(1)		This regulation applies where (a) a local authority in England and Wales thinks that the conditions in section 31(2)(a) and (b) of the Children Act 1989 (threshold for care and supervision orders) apply in relation to a child, and (b) one of the following applies in relation to the child— (i) Article 11 of the Convention (measures of protection in cases of urgency), (ii) Article 12 of the Convention (measures of a provisional character), or (iii) Article 20 of the Council Regulation (provisional and protective measures).	Jurisdiction

		Reg. 5(2)	Where this regulation applies, section 38 of the Children Act 1989 (interim orders) has effect as if—(a) for subsection (1)(a) and (b) there were substituted—“(a) a local authority makes an application for an interim care order or interim supervision order in relation to a child, and (b) one of the following applies in relation to the child—(i) Article 11 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 (measures of protection in cases of urgency) (“the Convention”), (ii) Article 12 of the Convention (measures of a provisional character), or (iii) Article 20 of Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (provisional and protective measures) (“the Council Regulation”),”, (b) subsection (3) were omitted, (c) in subsection (4)(b) the words “in the same proceedings” were omitted, and (d) for subsection (4)(c) to (e) there were substituted—“(c) in a case which falls within subsection (1)(b)(i) or (ii), when—(i) the authorities in another Contracting State with jurisdiction under the Convention have taken the measures required by the situation, or (ii) measures taken by the authorities of another State are recognised in England and Wales; (d) in a case which falls within subsection (1)(b)(iii), when the court of the member State with jurisdiction under the Council Regulation has taken the measures it considers appropriate.”.	Jurisdiction
		Reg. 5(3)	(3) Where this regulation applies— (a) section 31 of the Children Act 1989 (care and supervision orders) has effect as if, in section 31 (3A), after “care order” there were inserted the words “, other than an interim care order,” (b) section 31A of that Act (care plans) has effect as if subsection (5) were omitted, and (c) section 41 of that Act (representation of child’s interests) has effect as if in subsection (6) there were included a reference to an application for an interim care order or interim supervision order by virtue of this regulation.	Jurisdiction
		Reg. 7	The reference to Chapter II of the Convention in Article 15(1) of the Convention is to be read as including a reference to Chapter II of the Council Regulation.	Jurisdiction
		Reg. 8(1)	The High Court has jurisdiction to entertain an application under Article 24 of the Convention for recognition, or non-recognition, of a measure taken in another Contracting State.	Jurisdiction
		Reg. 8(2)	But where the recognition or non-recognition of a measure is raised as an incidental question in another court, that court may determine the issue.	Jurisdiction
		Reg. 8(3)	The High Court is also to have jurisdiction— (a) to register a measure taken in another Contracting State for enforcement under Article 26 of the Convention, and (b) to entertain an application for a declaration— (i) that a person has, or does not have, parental responsibility for a child by virtue of Article 16 of the Convention, or (ii) as to the extent of a person’s parental responsibility for a child by virtue of that Article.	Jurisdiction
		Reg. 9	The functions under the Convention of a Central Authority are to be discharged— (a) in England, by the Lord Chancellor, (b) in Wales, by the Welsh Ministers ... and a reference in these Regulations to a “Central Authority” means any of the Lord Chancellor, the Welsh Ministers or the Department of Justice in so far as they have functions under this regulation. (2) If a person outside the United Kingdom does not know to which Central Authority in the United Kingdom a communication should be addressed, the person may address it to the Lord Chancellor.	Jurisdiction / Procedure
		Reg. 10(1)	Paragraphs (2), (3) and (4) apply if a Central Authority receives a request for assistance under Article 31(c) of the Convention (either directly or via another Central Authority in the United Kingdom).	Jurisdiction / Procedure
		Reg. 10(2)	(2) The Lord Chancellor may request information about the whereabouts of a child from— (a) a local authority in England, or (b) the Secretary of State.	Jurisdiction / Procedure
		Reg. 10(3)	(3) The Welsh Ministers may request information about the whereabouts of a child from— (a) a local authority in Wales, (b) a Local Health Board (within the meaning given by section 11 of the National Health Service (Wales) Act 2006), or (c) an NHS Trust (within the meaning given by section 18 of that Act).	Jurisdiction / Procedure
		Reg. 10(5)	(5) A person (other than a court in Northern Ireland) who receives a request for information under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (6)).	Jurisdiction / Procedure
		Reg. 10(6)	(6) Nothing in this regulation requires a person to disclose information if— (a) Article 37 of the Convention applies, or (b) the disclosure would constitute contempt of court or a criminal offence.	Jurisdiction / Procedure
		Reg. 10(7)	(7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 10(8)	(8) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 11(1)	11.—Requests for information under Council Regulation (1) This regulation applies if the designated Central Authority in England and Wales under Article 53 of the Council Regulation receives a request for information from another member State under Article 55(a)(i) of the Council Regulation.	Jurisdiction / Procedure
		Reg. 11(2)	(2) The designated Central Authority in England and Wales may request information about the whereabouts of a child from— (a) a local authority in England, (b) a local authority in Wales, (c) the Secretary of State, (d) an officer of the Children and Family Court Advisory and Support Service, (e) a Welsh family proceedings officer, (f) a Local Health Board (within the meaning given by section 11 of the National Health Service (Wales) Act 2006), or (g) an NHS Trust (within the meaning given by section 18 of that Act).	Jurisdiction / Procedure
		Reg. 11(3)	(3) The designated Central Authority in England and Wales may request a report on the situation of a child from— (a) a local authority in England, (b) a local authority in Wales, (c) an officer of the Children and Family Court Advisory and Support Service, or (d) a Welsh family proceedings officer.	Jurisdiction / Procedure
		Reg. 11(4)	(4) A person who receives a request for information under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (5)).	Jurisdiction / Procedure
		Reg. 11(5)	(5) Nothing in this regulation requires a person to disclose information if the disclosure would constitute contempt of court or a criminal offence.	Jurisdiction / Procedure
		Reg. 11(6)	(6) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 11(7)	(7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 12(1)	12.—Power to request report on child’s situation (1) This regulation applies where a Central Authority thinks it appropriate to provide a report on the situation of a child under Article 32(a) of the Convention.	Jurisdiction / Procedure
		Reg. 12(2)	(2) The Lord Chancellor may request a written report on the situation of the child from— (a) a local authority in England, or (b) an officer of the Children and Family Court Advisory and Support Service.	Jurisdiction / Procedure
		Reg. 12(3)	(3) The Welsh Ministers may request a written report on the situation of the child from— (a) a local authority in Wales, or (b) a Welsh family proceedings officer.	Jurisdiction / Procedure
		Reg. 12(5)	(5) A person in England and Wales or any public authority, other than a court, in Northern Ireland who receives a request for a report under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (6)).	Jurisdiction / Procedure
		Reg. 12(6)	(6) Nothing in this regulation requires a person to disclose information if— (a) Article 37 of the Convention applies, or (b) the disclosure would constitute contempt of court or a criminal offence.	Jurisdiction / Procedure
		Reg. 12(7)	(7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 12(8)	(8) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.	Jurisdiction / Procedure
		Reg. 13(1)	This regulation applies if a local authority in England and Wales or a Northern Ireland authority is contemplating— (a) placing a child in another Contracting State, within the meaning given by Article 33 of the Convention, or (b) placing a child in another member State, within the meaning given by Article 56 of the Council Regulation.	Jurisdiction / Procedure
		Reg. 13(2)	(2) Either the court or the local authority or Northern Ireland authority, whichever has jurisdiction under Articles 5 to 10 of the Convention or Articles 8 to 14 of the Council Regulation, as the case may be (“the authority”)— (a) must provide a report to the Central Authority, or other competent authority, of the other Contracting State in accordance with Article 33(1) of the Convention, if the authority is exercising jurisdiction under the Convention, or (b) must consult the Central Authority, or other competent authority, of the other member State in accordance with Article 56 of the Council Regulation, if the authority is exercising jurisdiction under the Council Regulation.	Jurisdiction / Procedure
		Reg. 14	A public authority in England and Wales or Northern Ireland may provide information in response to a request communicated to it by the Central Authority under Article 34 of the Convention.	Jurisdiction / Procedure
		Reg. 16(1)	The Secretary of State may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.	Jurisdiction / Procedure
		Reg. 16(2)	The Welsh Ministers may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.	Jurisdiction / Procedure
		Reg. 16(4)(a)	A request under Article 35(2) of the Convention is to be made— (a) if the parent making the request resides in England and Wales, to the local authority in whose area the parent resides ...	Jurisdiction / Procedure
		Reg. 16(5)	A local authority in England may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.	Jurisdiction / Procedure
		Reg. 16(6)	A local authority in Wales may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.	Jurisdiction / Procedure

		Reg. 16(7)		A fee is "reasonable" for the purposes of this regulation if the income from fees of that kind equates as nearly as possible to the costs of providing the service to which the fees relate (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).	Jurisdiction / Procedure
		Reg. 17		17. Amendments to other enactments The Schedule contains amendments to other enactments consequential on the entry into force of the Convention for the United Kingdom.	Jurisdiction / Procedure
23	Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975				
		Sch 1	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814 Sch 5, para 5(1) See Sch 5, paras 5(2) - 5(3) of the SI above for exceptions to this revocation	(1) In the Schedule to the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975, the reference to Malta in column (1) and the corresponding entry in column (2) are revoked. --- Applies similar benefits to maintenance orders made by the UK courts to those applied to maintenance orders by the courts of each of the countries listed in column 1 of schedule 1. Malta is removed from this list by the amending SI. See Sch 5, paras 5(2) - 5(3) of the SI above for exceptions to this revocation	Maintenance / Enforcement
24	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993				
		All	The entire SI is relevant		Maintenance / Enforcement
		s.2		2. In this Order, unless the context otherwise requires— "Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972; "court in a Hague Convention country" includes any judicial or administrative authority in a Hague Convention country; "Hague Convention" means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations concluded at The Hague on 2nd October 1973; and "Hague Convention country" means a country or territory specified in Schedule 1 to this Order, being a country or territory (other than the United Kingdom) in which the Hague Convention is in force.	Maintenance / Enforcement
		s.3		3— (1) The provisions of Part I of the Act shall apply in relation to a Hague Convention country as they apply in relation to a reciprocating country, subject to the exceptions, adaptations and modifications set out in Schedule 2 to this Order. (2) Accordingly, Part I of the Act shall, in relation to— (a) maintenance orders made by courts in the United Kingdom against persons in a Hague Convention country, and (b) maintenance orders made by courts in a Hague Convention country against persons in the United Kingdom, have effect as set out in Schedule 3 to this Order.	Maintenance / Enforcement
		s.4		4. The Orders specified in Schedule 4 to this Order are hereby revoked.	Maintenance / Enforcement
		Sch 1		Hague Convention countries	Maintenance / Enforcement
		Sch 1	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 2002, Article 2	Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 1 shall be varied by inserting, before the word "Denmark", the word "Australia".	Maintenance / Enforcement
		Sch 1	Civil Jurisdiction and Judgments (Maintenance Regulations 2011/1484, Sch 7, s.25(2)) See s.26 of the SI above for exceptions to these revocations	In Schedule 1, references to the following Hague Convention countries are revoked—(a) Denmark; (b) Federal Republic of Germany; (c) Finland; (d) France; (e) Italy; (f) Luxembourg; (g) Netherlands; (h) Portugal; (i) Republic of Estonia; (j) Republic of Poland; (k) Slovakia; (l) Spain; (m) Sweden; (n) the Czech Republic.	Maintenance / Enforcement
		Sch 1	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, paras 8(1), 8(2) and 8(3). See paras 8(4) and 8(5) of the SI above for special provisions about Norway	(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 is amended as follows. (2) In Schedule 1, the reference to Norway is revoked. (3) At the end of Schedule 1, insert— "For special provision about Norway, see paragraph 8 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012."	Maintenance / Enforcement
		Sch 2		Modifications to Part I of the Act	Maintenance / Enforcement
		Sch 2	Civil Jurisdiction and Judgments (Maintenance Regulations 2011/1484, Sch 7, s.25(3))	Schedule 2 is amended as follows— (a) in paragraph 3(2), for section 3(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by that paragraph) substitute— "(1) This section applies to an application made to a magistrates' court in England and Wales if— (a) the application is an application for a maintenance order against a person residing in a Hague Convention country, and (b) the court has jurisdiction to entertain the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011."; (b) in paragraph 3(5), in section 3(6D) and (6E) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by that paragraph) for "under this section" substitute "pursuant to an application to which subsection (1) applies"; (c) for paragraph 3(6) substitute— "(6) For subsection (7)(a) substitute— "(a) for subsection (1) there shall be substituted (1) This section applies where a complaint is made to a magistrates' court in Northern Ireland if— (a) the complaint is a complaint for a maintenance order against a person residing in a Hague Convention country, and (b) the court has jurisdiction to entertain the complaint by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011."; (d) paragraph 4 is omitted; (e) in paragraph 5, in section 5 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by that paragraph)— (i) in subsection (1), after "enforcement of the order" insert "; and in relation to which the court has jurisdiction to entertain proceedings for revocation or variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011."; (ii) subsection (2) is omitted; (f) in paragraph 9— (i) in section 9(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by paragraph 9(2)), paragraph (b) is omitted; (ii) section 9(2) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by paragraph 9(4)) is omitted; (iii) after section 9(6) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by paragraph 9(4)) insert— "(6A) Where a registered order was made by a court in a Member State of the European Union which was a Hague Convention country before 18th June 2011, and that court varies the order on or after that date— (a) subsection (b) does not apply; (b) the prescribed officer of the registering court shall record the variation of the order against the original registration."; (g) for paragraph 17 substitute— "17. Subsections (5A) to (7) of section 17 are omitted."; (h) in paragraph 21(2), after sub-paragraph (e) insert— "(ea) after that definition insert— "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark";	Maintenance / Enforcement
		Sch 2	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1999/1318, Article 3	3— (1) Paragraph 5 of Schedule 2 shall be varied by— (a) omitting the words "or by a competent court in a Hague Convention country" in subsections (9) and (10); and (b) omitting subsection (11); of section 5 of the Act. (2) Schedule 2 shall be further varied by— (a) substituting in paragraph 6, the words "two calendar months" for the words "one calendar month" in section 6(12) of the Act; (b) inserting in paragraph 9(2)— (i) in subsection (1)(a) of section 9 of the Act after the word "vary", the words "the method of payment of"; (ii) in subsection (1)(b) of section 9 of the Act after the word "vary", the words "the method of payment of"; and (c) inserting after paragraph 9(2)— "(2A) Subsection (1ZA) 1 shall be amended as follows— (a) at the end of paragraph (za) 2, there shall be inserted the words "and for the words 'revoke, revive or vary the order', there were substituted 'vary the order in accordance with subsection (3)';" (b) after paragraph (za), there shall be inserted the following paragraph— "(zab) as if subsection (2) were omitted;"; (c) in paragraph (a), for the words from "as if in subsection (3)" to "there were inserted-", there shall be substituted "as if in subsection (3)— (i) for the words "shall include", there were substituted "means the"; (ii) for the words "paragraphs (a) to (d) of section 59(3) above" there were substituted "subsection (3A) below"; and (iii) after that subsection there were inserted—" (2B) Subsection (1ZB) 3 shall be amended as follows— (a) at the end of paragraph (za) 4 there shall be inserted the words— "and for the words 'revoke, revive or vary the order', there were substituted 'vary the order in accordance with paragraph (3)';" (b) after paragraph (za), there shall be inserted the following paragraph— "(zab) as if paragraph (2) were omitted;"; (c) in paragraph (a), for the words from "as if in paragraph (3)" to "there were inserted-", there shall be substituted "as if in paragraph (3)— (i) for the words "shall include", there were substituted "means the"; (ii) for the words "sub-paragraphs (a) to (d) of Article 85(3) there were substituted "paragraph (3A); and (iii) after that paragraph there were inserted—" (3) Paragraph 9(4) of Schedule 2 shall be varied by— (a) omitting subsections (3) to (7) of section 9 of the Act; and (b) after subsection (10) of section 9 of the Act, inserting the following— "(11) This section shall not apply to a court in Scotland."	Maintenance / Enforcement
		Sch 3		Part 1 of the Act as modified by Schedule 2	Maintenance / Enforcement

		Sch 3	Civil Jurisdiction and Judgments (Maintenance Regulations 2011/1484, Sch 7, s.25(4))	In Schedule 3, Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as it has effect as set out in that Schedule) is amended as follows—(a) in section 3—(i) for subsection (1) substitute—“(1) This section applies to an application made to a magistrates’ court in England and Wales if—(a) the application is an application for a maintenance order against a person residing in a Hague Convention country, and (b) the court has jurisdiction to entertain the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.” (ii) in section 3(6D) and (6E) for “under this section” substitute “pursuant to an application to which subsection (1) applies”;(iii) for subsection (7)(a) substitute—“(a) for subsection (1) there shall be substituted—“(2) This section applies where a complaint is made to a magistrates’ court in Northern Ireland if—(a) the complaint is a complaint for a maintenance order against a person residing in a Hague Convention country, and (b) the court has jurisdiction to entertain the complaint by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”; (b) section 4 is omitted; (c) in section 5—(i) in subsection (1), after “enforcement of the order” insert “, and in relation to which the court has jurisdiction to entertain proceedings for revocation or variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”; (ii) subsection (2) is omitted;(d) in section 9—(i) in subsection (1), paragraph (b) is omitted;(ii) subsection (2) is omitted;(iii) after subsection (8) insert—“(8A) Where a registered order was made by a court in a Member State of the European Union which was a Hague Convention country before 18th June 2011, and that court varies the order on or after that date—(a) subsection (8) does not apply, (b) the prescribed officer of the registering court shall record the variation of the order against the original registration.”;(e) in section 17, subsections (5) to (7A) are omitted; (f) in section 21(1), after the definition of “maintenance order” insert— ““the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;”.	Maintenance / Enforcement
		Sch 3	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1999/1318, Article 4	4. Schedule 3 shall be varied by— (a) omitting the words “or by a competent court in a Hague Convention country” in subsections (9) and (10); and (b) omitting subsection (11); of section 5 of the Act.	Maintenance / Enforcement
		Sch 3	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1999/1318, Article 5	5. Schedule 3 shall be further varied by substituting the words “two calendar months” for the words “one calendar month” in section 6(12) of the Act.	Maintenance / Enforcement
		Sch 3	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1999/1318, Article 6	6. Schedule 3 shall be further varied by inserting in section 9 of the Act— (a) in subsection (1)(a) after the word “vary”, the words “the method of payment of;” (b) in subsection (1)(b) after the word “vary”, the words “the method of payment of;” (c) in subsection (1ZA)— (i) at the end of paragraph (za), the words “and for the words “revoke, revive or vary the order”, there were substituted “vary the order in accordance with subsection (3)”; (ii) after paragraph (za), the following paragraph— “(zab) as if subsection (2) were omitted.”; ; and (iii) in paragraph (a), for the words from “as if in subsection (3)” to “there were inserted—”, there shall be substituted “as if in subsection (3)— (i) for the words “shall include”, there were substituted “means the”; (ii) for the words “paragraphs (a) to (d) of section 59(3) above” there were substituted “subsection (3A) below”; and (iii) after that subsection there were inserted— (d) after subsection (1ZA)— “(1ZB) Where the registering court is a court of summary jurisdiction in Northern Ireland, Article 86 of the Magistrates’ Court (Northern Ireland) Order 1981 1 (revocation, variation etc., of orders for periodical payment) shall have effect in relation to the registered order— (za) as if in paragraph (1) for the words “by order on complaint” there were substituted “on an application being made, by order” and for the words “revoke, revive or vary the order”, there were substituted “vary the order in accordance with paragraph (3)”; (zab) as if paragraph (2) were omitted; (a) as if in paragraph (3)— (i) for the words “shall include”, there were substituted “means the”, (ii) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “paragraph (3A)”, and (iii) after that paragraph there were inserted— “(3A) The powers of the court are— (a) the power to order that payments under the order be made directly to the collecting officer; (b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified; (c) the power to make an attachment of earnings order under Part IX to secure payments under the order.”; (b) as if in paragraph (4) for sub-paragraph (b) there were substituted— “(b) payments under the order are required to be made to the collecting officer by any method of payment falling within Article 85(7) (standing order, etc.)”; and as if after the words “petty sessions” there were inserted “for the petty sessions district for which the court which made the order acts”; (c) as if in paragraph (5) for the words “to the collecting officer” there were substituted “in accordance with sub-paragraph (a) of paragraph (3A)”; (d) as if in paragraph (7), sub-paragraph (c) and the word “and” immediately preceding it were omitted; (e) as if in paragraph (8) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “paragraph (3A)”; (f) as if for paragraphs (9) and (10) there were substituted the following paragraphs— “(9) In deciding, for the purposes of paragraphs (3) and (8), which of the powers under paragraph (3A) it is to exercise, the court shall have regard to any representations made by the debtor. (10) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (3A) as it applies for the purpose of that Article but as if for sub-paragraph (a) there were substituted— (a) the court proposes to exercise its power under sub-paragraph (b) of Article 86(3A), and” .”.	Maintenance / Enforcement
		Sch 3	Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1999/1318, Article 7	7. Schedule 3 shall be further varied by— (a) omitting subsections (3) to (7) of section 9 of the Act; and (b) inserting after subsection (10) of section 9 of the Act, the following— “(11) This section shall not apply to a court in Scotland.”	Maintenance / Enforcement
		Sch 4		Revocations	Maintenance / Enforcement
25	Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995				
		Sch 3, s.17	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 6(3)	In Schedule 3, section 17 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as it has effect as set out in that Schedule) is amended as follows— (a) in subsection (5A), for the second “residing” substitute “habitually resident”;	Maintenance / Enforcement
26	Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007				
		Sch 1, para 15(2)	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 7(2)(a)	In Schedule 1, in paragraph 15(2)— (a) in section 17(5A) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by paragraph 15(2)), for the second “residing”, substitute “habitually resident”;	Maintenance / Enforcement
		Sch 2, s.17	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 7(3)(a)	In Schedule 2, section 17 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as it has effect as set out in that Schedule) is amended as follows— (a) in subsection (5A), for the second “residing”, substitute “habitually resident”;	Maintenance / Enforcement
27	Recovery Abroad of Maintenance (Convention Countries) Order 1975				
		Entire SI	The entire SI is relevant		Maintenance / Enforcement
		Sch 1	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 4, s.7(1) and s.7(2) See Sch 4, paras 7(3) - 7(5) of the SI above for exceptions to this revocation	(1) In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975 the reference to Norway is revoked. (2) At the end of the Schedule, insert— “For special provision about Norway, see paragraph 7 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012.”	Maintenance / Enforcement
		Sch 1	International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012/2814, Sch 5, para 4(1) See Sch 5, paras 4(2) - 4(3) of the SI above for exceptions to these revocations	(1) In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975 1, references to the following countries are revoked— (a) Austria; (b) Belgium; (c) Cyprus; (d) Czech Republic; (e) Denmark; (f) Finland; (g) France, including the overseas departments of Guadeloupe, Guiana, Martinique and Reunion; (h) Germany; (i) Greece; (j) Hungary; (k) Ireland; (l) Italy; (m) Luxembourg; (n) Netherlands (Kingdom in Europe); (o) Poland; (p) Portugal; (q) Romania; (r) Slovakia; (s) Slovenia; (t) Spain; (u) Sweden. ..	Maintenance / Enforcement

		Sch 1	Recovery Abroad of Maintenance (Convention Countries) Order 1996/1925, Article 2	<p>2.—</p> <p>(1) It is hereby declared that Australia, Bosnia and Herzegovina, Cape Verde, Croatia, Cyprus, the Czech Republic, Mexico, New Zealand, Romania, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Uruguay, being countries or territories outside the United Kingdom to which the United Nations Convention on the Recovery Abroad of Maintenance done at New York on 20th June 1956 extends, are convention countries for the purposes of Part II of the Maintenance Orders (Reciprocal Enforcement) Act 1972.</p> <p>(2) The Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975 1 shall be varied by inserting:-</p> <p>(a) after the word "Algeria", the word "Australia";</p> <p>(b) after the word "Belgium", the words "Bosnia and Herzegovina";</p> <p>(c) after the word "Brazil", the words "Burkina Faso";</p> <p>(d) after the words "Burkina Faso", the words "Cape Verde";</p> <p>(e) after the word "Chile", the word "Croatia";</p> <p>(f) after the word "Croatia", the word "Cyprus";</p> <p>(g) after the word "Luxembourg", the word "Mexico";</p> <p>(h) after the words "Netherlands (Kingdom in Europe and Netherlands Antilles)", the words "New Zealand";</p> <p>(i) after the word "Portugal", the word "Romania";</p> <p>(j) after the word "Romania", the word "Slovakia";</p> <p>(k) after the word "Slovakia", the word "Slovenia";</p> <p>(l) after the word "Switzerland" 2, the words "the former Yugoslav Republic of Macedonia";</p> <p>(m) after the word "Turkey", the word "Uruguay".</p> <p>(3) The said Schedule shall be further varied by:-</p> <p>(a) substituting the words "Czech Republic" for the word "Czechoslovakia";</p> <p>(b) deleting the words "Upper Volta";</p> <p>(c) deleting the words "Federal Republic of, and Berlin (West)" after the word "Germany";</p> <p>(d) deleting the words "French Territory of the Afars and Issas" after the words "French Polynesia";</p> <p>(e) in respect of the entry relating to the Netherlands, substituting "," for the word "and" after the word "Europe" and inserting after the word "Antilles", the words "and Aruba".</p>	Maintenance / Enforcement
--	--	-------	--	---	---------------------------

A1

Administration of Justice Act 1970

Part II ENFORCEMENT OF DEBT

...

28. Other provisions for interpretation of Part II.

(1) In this Part of this Act, except where the context otherwise requires—

"High Court maintenance order" and "family court maintenance order" mean respectively a maintenance order enforceable by the High Court, and the family court and a magistrates' court;

"maintenance order" means any order, decision, settlement, arrangement or instrument specified in Schedule 8 to this Act and includes one which has been discharged or has otherwise ceased to operate, if any arrears are recoverable thereunder.

...

Schedule 8 MAINTENANCE ORDERS FOR PURPOSES OF 1958 ACT AND PART II OF THIS ACT

...

13

A maintenance order within the meaning of Part I of the Civil Jurisdiction and Judgments Act 1982 which is registered in the family court under that Part.

13A.

A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62), which is registered in a court in England and Wales under that Regulation.

13B.

(1) A decision, court settlement or authentic instrument which falls to be enforced by the family court by virtue of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

(2) In this paragraph—

"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

"decision", "court settlement" and "authentic instrument" have the meanings given by Article 2 of the Maintenance Regulation.

[13C.

A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.

Note: Not yet in force - date to be appointed]

A2

Anti-social Behaviour, Crime and Policing Act 2014

Schedule 6A ANONYMITY OF VICTIMS OF FORCED MARRIAGE

1. Prohibition on the identification of victims in publications

- (1) This paragraph applies where an allegation has been made that an offence of forced marriage has been committed against a person.
- (2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person's lifetime.
- (3) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.
- (4) The first condition is that the conduct of a person's defence at a trial of an offence of forced marriage would be substantially prejudiced if the direction were not given.
- (5) The second condition is that—
 - (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (b) it is in the public interest to remove or relax the restriction.
- (6) A direction under sub-paragraph (3) does not affect the operation of sub-paragraph (2) at any time before the direction is given.
- (7) In this paragraph, "the court" means a magistrates' court or the Crown Court.

2. Penalty for breaching prohibition imposed by paragraph 1(2)

- (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine.
- (3) The persons responsible for a publication are as follows—

Type of publication	Persons responsible
Newspaper or other periodical	Any person who is a proprietor, editor or publisher of the newspaper or periodical.
Relevant programme	Any person who— <ol style="list-style-type: none">(a) is a body corporate engaged in providing the programme service in which the programme is included, or(b) has functions in relation to the programme corresponding to those of an editor of a newspaper.
Any other kind of publication	Any person who publishes the publication.
- (4) If an offence under this paragraph is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a senior officer of a body corporate, or
 - (b) a person purporting to act in such a capacity,the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) "Senior officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate; and for this purpose "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (6) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Attorney General.

3. Offence under paragraph 2: defences

- (1) This paragraph applies where a person ("the defendant") is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.
- (2) It is a defence for the defendant to prove that, at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—
 - (a) the publication included the matter in question, or
 - (b) the allegation in question had been made.
- (3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.
- (4) The defence in sub-paragraph (3) is not available if—
 - (a) the victim was under the age of 16 at the time when his or her consent was given, or
 - (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining his or her consent.
- (5) In this paragraph, "the victim" means the person against whom the offence of forced marriage in question is alleged to have been committed.

4. Special rules for providers of information society services

- (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in England and Wales).
- (2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in England and Wales.
- (3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8.

5. Special rules for providers of information society services

- (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.
- (2) The derogation condition is that taking proceedings—
 - (a) is necessary for the purposes of the public interest objective,
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
 - (c) is proportionate to that objective.
- (3) "The public interest objective" means the pursuit of public policy.

6. Special rules for providers of information society services

- (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—
 - (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (2) For the purposes of sub-paragraph (1)—
 - (a) providing access to a communication network, and
 - (b) transmitting information in a communication network,include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

7. Special rules for providers of information society services

- (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.
- (2) The first condition is that the storage of the information—
 - (a) is automatic, intermediate and temporary, and
 - (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
- (3) The second condition is that the service provider—
 - (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

8. Special rules for providers of information society services

- (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if—
 - (a) the service provider had no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or
 - (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

9. Interpretation

(1) In this Schedule—

“domestic service provider” means a service provider established in England and Wales, Scotland or Northern Ireland;

“the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services” —

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“non-UK service provider” means a service provider established in an EEA state other than the United Kingdom;

“offence of forced marriage” means an offence under section 121;

“programme service” has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

“prohibited material” means any material the publication of which contravenes paragraph 1(2);

“publication” includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant programme” means a programme included in a programme service;

“service provider” means a person providing an information society service.

(2) For the purposes of the definition of “publication” in sub-paragraph (1)—

(a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;

(b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.

(3) For the purposes of the definitions of “domestic service provider” and “non-UK service provider” in sub-paragraph (1)—

(a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

(c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider’s activities relating to that service.

A3

Attachment of Earnings Act 1971

2. Principal definitions.

In this Act—

(a) "maintenance order" means any order, decision, settlement, arrangement or instrument specified in Schedule 1 to this Act and includes one which has been discharged or has otherwise ceased to operate if any arrears are recoverable thereunder;

(b) "High Court maintenance order" and "family court maintenance order" mean respectively a maintenance order enforceable by the High Court and the family court;

(c) "judgment debt" means a sum payable under—

(i) a judgment or order enforceable by a court in England and Wales (not being a magistrates' court);

(ii) an order of a magistrates' court for the payment of money recoverable summarily as a civil debt; or

(iii) an order of any court which is enforceable as if it were for the payment of money so recoverable,

but does not include any sum payable under a maintenance order or an administration order;

(d) "the relevant adjudication", in relation to any payment secured or to be secured by an attachment of earnings order, means the conviction, judgment, order or other adjudication from which there arises the liability to make the payment; and

(e) "the debtor", in relation to an attachment of earnings order, or to proceedings in which a court has power to make an attachment of earnings order, or to proceedings arising out of such an order, means the person by whom payment is required by the relevant adjudication to be made.

3. Application for order and conditions of court's power to make it.

(A1) This section shall not apply to an attachment of earnings order to be made under Schedule 5 to the Courts Act 2003.

(1) The following persons may apply for an attachment of earnings order:—

(a) the person to whom payment under the relevant adjudication is required to be made (whether directly or through any court or an officer of any court);

(b) where the relevant adjudication is an administration order, any one of the creditors scheduled to the order;

(c) without prejudice to paragraph (a), an officer of the family court if the application is to the family court for an order to secure maintenance payments and there is in force an order that those payments be made to the court or an officer of the court;

(ca) without prejudice to paragraphs (a) and (c) above, an officer of the family court if the application is to the family court to secure payments under a maintenance order described in paragraphs 13, 14, 14A or 14B of Schedule 1 and those payments are to be made to the court;

(d) in the following cases the debtor—

(i) where the application is to a magistrates' court;

or

(ii) where the application is to the High Court or the family court for an order to secure maintenance payments.

(3) Subject to subsection (3A) below for an attachment of earnings order to be made on the application of any person other than the debtor it must appear to the court that the debtor has failed to make one or more payments required by the relevant adjudication.

(3A) Subsection (3) above shall not apply where the relevant adjudication is a maintenance order.

(4) Where proceedings are brought—

(a) in the High Court or the family court for the enforcement of a maintenance order by committal under section 5 of the Debtors Act 1869.

(6) Where proceedings are brought in the county court for an order of committal under section 5 of the Debtors Act 1869 in respect of a judgment debt for any of the taxes, contributions premiums or liabilities specified in Schedule 2 to this Act, the court may, in any circumstances in which it has power to make such an order, make instead an attachment of earnings order to secure the payment of the judgment debt.

(7) The county court shall not make an attachment of earnings order to secure the payment of a judgment debt if there is in force an order or warrant for the debtor's committal, under section 5 of the Debtors Act 1869, in respect of that debt; but in any such case the court may discharge the order or warrant with a view to making an attachment of earnings order instead.

...

Schedule 1 MAINTENANCE ORDERS TO WHICH THIS ACT APPLIES

...

14

A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62), which is registered in a court in England and Wales under that Regulation.

14A.

(1) A decision, court settlement or authentic instrument which falls to be enforced by the family court by virtue of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

(2) In this paragraph—

"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

"decision", "court settlement" and "authentic instrument" have the meanings given by Article 2 of that Regulation.

14B.

A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.

A4

Child Abduction and Custody Act 1985

Part I INTERNATIONAL CHILD ABDUCTION

1. The Hague Convention.

(1) In this Part of this Act "the Convention" means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25th October 1980.

(2) Subject to the provisions of this Part of this Act, the provisions of that Convention set out in Schedule 1 to this Act shall have the force of law in the United Kingdom.

(3) But—

(a) those provisions of the Convention,

(b) this Part of this Act, and

(c) rules of court under section 10 of this Act,

are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the Hague Convention, in so far as it concerns matters governed by the Regulation).

(4) "The Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.

...

9. Suspension of court's powers in cases of wrongful removal.

The reference in Article 16 of the Convention to deciding on the merits of rights of custody shall be construed as a reference to—

(a) making, varying or revoking a custody order, or a supervision order under section 1(2) of the Children and Young Persons Act 1969 or section 95(1), 97(2), 143(6) or 144 of the Children and Young Persons Act (Northern Ireland) 1968 (not being a custody order);

(aa) enforcing under section 29 of the Family Law Act 1986 a custody order within the meaning of Chapter V of Part I of that Act;

(b) registering or enforcing a decision under Part II of this Act;

(ba) registering or enforcing a decision under the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 ("the 1996 Convention"), except where provisions of the 1996 Convention are invoked in accordance with Article 50 of the 1996 Convention;

(d) making, varying, amending or revoking a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1) or 14(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009 (S.S.I. 2009/267));

(e) making a parental rights order under section 104 of the Children and Young Persons Act (Northern Ireland) 1968 or discharging such an order, or giving directions in lieu of the discharge of such an order, under section 106(2) of that Act.

...

Part II RECOGNITION AND ENFORCEMENT OF CUSTODY DECISIONS

12. The European Convention

(1) In this Part of this Act "the Convention" means the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children which was signed in Luxembourg on 20th May 1980.

(2) Subject to the provisions of this Part of this Act, the provisions of that Convention set out in Schedule 2 to this Act (which include Articles 9 and 10 as they have effect in consequence of a reservation made by the United Kingdom under Article 17) shall have the force of law in the United Kingdom.

(3) But—

(a) those provisions of the Convention;

(b) this Part of this Act; and

(c) rules of court under section 24 of this Act,

are subject to Article 60 of the Council Regulation (by virtue of which the Regulation takes precedence over the Convention, in so far as it concerns matters governed by the Regulation).

(4) "The Council Regulation" means Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.

A5

Child Support Act 1991

44. Jurisdiction

(1) The Secretary of State shall have jurisdiction to make a maintenance calculation with respect to a person who is—

- (a) a person with care;
- (b) a non-resident parent; or
- (c) a qualifying child,

only if that person is habitually resident in the United Kingdom, except in the case of a non-resident parent who falls within subsection (2A).

(2) Where the person with care is not an individual, subsection (1) shall have effect as if paragraph (a) were omitted.

(2A) A non-resident parent falls within this subsection if he is not habitually resident in the United Kingdom, but is—

- (a) employed in the civil service of the Crown, including Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service;
- (b) a member of the naval, military or air forces of the Crown, including any person employed by an association established for the purposes of Part XI of the Reserve Forces Act 1996;
- (c) employed by a company of a prescribed description registered under the Companies Act 2006; or
- (d) employed by a body of a prescribed description.

(4) The Secretary of State does not have jurisdiction under this section if the exercise of jurisdiction would be contrary to the jurisdictional requirements of the Maintenance Regulation.

(5) In subsection (4) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

A6

Children Act 1989

Part IV CARE AND SUPERVISION

31.— Care and supervision orders

(1) On the application of any local authority or authorised person, the court may make an order—

- (a) placing the child with respect to whom the application is made in the care of a designated local authority; or
- (b) putting him under the supervision of a designated local authority

(2) A court may only make a care order or supervision order if it is satisfied—

- (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
- (b) that the harm, or likelihood of harm, is attributable to—

- (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
- (ii) the child's being beyond parental control.

(3) No care order or supervision order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married).

(3A) A court deciding whether to make a care order—

- (a) is required to consider the permanence provisions of the section 31A plan for the child concerned, but
- (b) is not required to consider the remainder of the section 31A plan, subject to section 34(11).

(3B) For the purposes of subsection (3A), the permanence provisions of a section 31A plan are—

(a) such of the plan's provisions setting out the long-term plan for the upbringing of the child concerned as provide for any of the following—

- (i) the child to live with any parent of the child's or with any other member of, or any friend of, the child's family;
- (ii) adoption;

(iii) long-term care not within sub-paragraph (i) or (ii);

(b) such of the plan's provisions as set out any of the following—

- (i) the impact on the child concerned of any harm that he or she suffered or was likely to suffer;
- (ii) the current and future needs of the child (including needs arising out of that impact);

(iii) the way in which the long-term plan for the upbringing of the child would meet those current and future needs.

(3C) The Secretary of State may by regulations amend this section for the purpose of altering what for the purposes of subsection (3A) are the permanence provisions of a section 31A plan.

(4) An application under this section may be made on its own or in any other family proceedings.

(5) The court may—

- (a) on an application for a care order, make a supervision order;
- (b) on an application for a supervision order, make a care order.

(6) Where an authorised person proposes to make an application under this section he shall—

- (a) if it is reasonably practicable to do so; and
- (b) before making the application,

consult the local authority appearing to him to be the authority in whose area the child concerned is ordinarily resident.

(7) An application made by an authorised person shall not be entertained by the court if, at the time when it is made, the child concerned is—

- (a) the subject of an earlier application for a care order, or supervision order, which has not been disposed of; or
- (b) subject to—

(i) a care order or supervision order;

(ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008; or

(iii) a compulsory supervision order or interim compulsory supervision order as defined by sections 83 and 86 of the Children's Hearings (Scotland) Act 2011.

(8) The local authority designated in a care order must be—

(a) the authority within whose area the child is ordinarily resident; or

(b) where the child does not reside in the area of a local authority, the authority within whose area any circumstances arose in consequence of which the order is being made.

(9) In this section—

"authorised person" means —

(a) the National Society for the Prevention of Cruelty to Children and any of its officers; and

(b) any person authorised by order of the Secretary of State to bring proceedings under this section and any officer of a body which is so authorised;

"harm" means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another;

"development" means physical, intellectual, emotional, social or behavioural development;

"health" means physical or mental health; and

"ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical.

(10) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.

(11) In this Act—

"a care order" means (subject to section 105(1)) an order under subsection (1)(a) and (except where express provision to the contrary is made) includes an interim care order made under section 38; and

"a supervision order" means an order under subsection (1)(b) and (except where express provision to the contrary is made) includes an interim supervision order made under section 38.

PART V PROTECTION OF CHILDREN

45. Duration of emergency protection orders and other supplemental provisions

(1) An emergency protection order shall have effect for such period, not exceeding eight days, as may be specified in the order.

(2) Where—

- (a) the court making an emergency protection order would, but for this subsection, specify a period of eight days as the period for which the order is to have effect; but
- (b) the last of those eight days is a public holiday (that is to say, Christmas Day, Good Friday, a bank holiday or a Sunday),

the court may specify a period which ends at noon on the first later day which is not such a holiday.

(3) Where an emergency protection order is made on an application under section 46(7), the period of eight days mentioned in subsection (1) shall begin with the first day on which the child was taken into police protection under section 46.

(4) Any person who—

- (a) has parental responsibility for a child as the result of an emergency protection order; and
- (b) is entitled to apply for a care order with respect to the child,

may apply to the court for the period during which the emergency protection order is to have effect to be extended.

(5) On an application under subsection (4) the court may extend the period during which the order is to have effect by such period, not exceeding seven days, as it thinks fit, but may do so only if it has reasonable cause to believe that the child concerned is likely to suffer significant harm if the order is not extended.

(6) An emergency protection order may only be extended once.

(7) Regardless of any enactment or rule of law which would otherwise prevent it from doing so, a court hearing an application for, or with respect to, an emergency protection order may take account of—

- (a) any statement contained in any report made to the court in the course of, or in connection with, the hearing; or
- (b) any evidence given during the hearing,

which is, in the opinion of the court, relevant to the application.

(8) Any of the following may apply to the court for an emergency protection order to be discharged—

- (a) the child;
- (b) a parent of his;
- (c) any person who is not a parent of his but who has parental responsibility for him; or
- (d) any person with whom he was living immediately before the making of the order.

(8A) On the application of a person who is not entitled to apply for the order to be discharged, but who is a person to whom an exclusion requirement contained in the order applies, an emergency protection order may be varied or discharged by the court in so far as it imposes the exclusion requirement.

(8B) Where a power of arrest has been attached to an exclusion requirement of an emergency protection order, the court may, on the application of any person entitled to apply for the discharge of the order so far as it imposes the exclusion requirement, vary or discharge the order in so far as it confers a power of arrest (whether or not any application has been made to vary or discharge any other provision of the order).

~~[(9) No application for the discharge of an emergency protection order shall be heard by the court before the expiry of the period of 72 hours beginning with the making of the order.]~~

(10) No appeal may be made against—

- (a) the making of, or refusal to make, an emergency protection order;
- (b) the extension of, or refusal to extend, the period during which such an order is to have effect;
- (c) the discharge of, or refusal to discharge, such an order; or
- (d) the giving of, or refusal to give, any direction in connection with such an order.

(11) Subsection (8) does not apply—

- (a) where the person who would otherwise be entitled to apply for the emergency protection order to be discharged—
 - (i) was given notice (in accordance with rules of court) of the hearing at which the order was made; and
 - (ii) was present at that hearing; or
 - (b) to any emergency protection order the effective period of which has been extended under subsection (5).
- (12) A court making an emergency protection order may direct that the applicant may, in exercising any powers which he has by virtue of the order, be accompanied by a registered medical practitioner, registered nurse or registered midwife, if he so chooses.
- (13) The reference in subsection (12) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.

NOTE: Subsection (9) repealed by Children and Young Persons Act 2008, Sch.4 para.1, following a judgment of the Northern Ireland High Court regarding an identically worded provision, which found that it was contrary to Articles 6(1) and 8 of the ECHR

...

SCHEDULE 1 FINANCIAL PROVISION FOR CHILDREN

...

10. Alteration of maintenance agreements

- (1) In this paragraph and in paragraph 11 "maintenance agreement" means any agreement in writing made with respect to a child, whether before or after the commencement of this paragraph, which—
 - (a) is or was made between the father and mother of the child; and
 - (b) contains provision with respect to the making or securing of payments, or the disposition or use of any property, for the maintenance or education of the child,
- and any such provisions are in this paragraph, and paragraph 11, referred to as "financial arrangements".
- (2) Subject to sub-paragraph (2A), where a maintenance agreement is for the time being subsisting and each of the parties to the agreement is for the time being either domiciled or resident in England and Wales, then, either party may apply to the court for an order under this paragraph.
- (2A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011—
- (a) the requirement as to domicile or residence in sub-paragraph (2) does not apply to the application or that part of it, but
 - (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.
- (2B) In sub-paragraph (2A), "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.
- (3) If the court to which the application is made is satisfied either—
- (a) that, by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made (including a change foreseen by the parties when making the agreement), the agreement should be altered so as to make different financial arrangements; or
 - (b) that the agreement does not contain proper financial arrangements with respect to the child,
- then that court may by order make such alterations in the agreement by varying or revoking any financial arrangements contained in it as may appear to it to be just having regard to all the circumstances.
- (4) If the maintenance agreement is altered by an order under this paragraph, the agreement shall have effect thereafter as if the alteration had been made by agreement between the parties and for valuable consideration.
- (5) Where a court decides to make an order under this paragraph altering the maintenance agreement—
- (a) by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the child; or
 - (b) by increasing the rate of periodical payments required to be made or secured by one of the parties for the maintenance of the child,
- then, in deciding the term for which under the agreement as altered by the order the payments or (as the case may be) the additional payments attributable to the increase are to be made or secured for the benefit of the child, the court shall apply the provisions of sub-paragraphs (1) and (2) of paragraph 3 as if the order were an order under paragraph 1(2)(a) or (b).
- (6) ...
- (7) For the avoidance of doubt it is hereby declared that nothing in this paragraph affects any power of a court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.
- (8) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the reference in sub-paragraph (1)(a) to the child's father is a reference to the woman who is a parent of the child by virtue of that section.

...

14. Jurisdiction in relation to matters relating to maintenance

- (1) If an application under paragraph 1 or 2, or part of such an application, relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.
- (2) In sub-paragraph (1), "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

Civil Jurisdiction and Judgments Act 1982

Part I Implementation of the Conventions

1. Interpretation of references to the Conventions and Contracting States

(1) In this Act—

"the 1968 Convention" means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention), signed at Brussels on 27th September 1968;

"the 1971 Protocol" means the Protocol on the interpretation of the 1968 Convention by the European Court, signed at Luxembourg on 3rd June 1971;

"the Accession Convention" means the Convention on the accession to the 1968 Convention and the 1971 Protocol of Denmark, the Republic of Ireland and the United Kingdom, signed at Luxembourg on 9th October 1978;

"the 1982 Accession Convention" means the Convention on the accession of the Hellenic Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on 25th October 1982;

"the 1989 Accession Convention" means the Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia — San Sebastián on 26th May 1989;

"the 1996 Accession Convention" means the Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention, signed at Brussels on 29th November 1996,

"the 2005 Hague Convention" means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague;

"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 23 November 2007;

"the Brussels Conventions" means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention, the 1989 Accession Convention and the 1996 Accession Convention

"the Lugano Convention" means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007;

"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

"the Regulation" means Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p 62; OJ No L79, 21.3.2013, p 4).

(2) In this Act, unless the context otherwise requires—

(a) references to, or to any provision of, the 1968 Convention or the 1971 Protocol are references to that Convention, Protocol or provision as amended by the Accession Convention, the 1982 Accession Convention, the 1989 Accession Convention and the 1996 Accession Convention; and

(aa)

(b) any reference in any provision to a numbered Article without more is a reference—

(i) to the Article so numbered of the 1968 Convention, in so far as the provision applies in relation to that Convention, and

(ii) to the Article so numbered of the Lugano Convention, in so far as the provision applies in relation to that Convention,

and any reference to a sub-division of a numbered Article shall be construed accordingly.

(3) In this Act—

"2005 Hague Convention State", in any provision, in the application of that provision in relation to the 2005 Hague Convention, means a State bound by that Convention;

"2007 Hague Convention State", in any provision, in the application of that provision in relation to the 2007 Hague Convention, means a State bound by that Convention;

"Contracting State", without more, in any provision means—

(a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State; . . .

(b) in the application of the provision in relation to the Lugano Convention, a State bound by the Lugano Convention; and

(c) in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State;

"Brussels Contracting State" means a state which is one of the original parties to the 1968 Convention or one of the parties acceding to that Convention under the Accession Convention, or under the 1982 Accession Convention, or under the 1989 Accession Convention, but only with respect to any territory—

(a) to which the Brussels Conventions apply; and

(b) which is excluded from the scope of the Regulation pursuant to Articles 349 and 355 of the Treaty on the Functioning of the European Union;

"Maintenance Regulation State", in any provision, in the application of that provision in relation to the Maintenance Regulation means a Member State;

"State bound by the Lugano Convention" in any provision, in the application of that provision in relation to the Lugano Convention has the same meaning as in Article 1(3) of that Convention;

"Regulation State" in any provision, in the application of that provision in relation to the Regulation, means a Member State.

(4) Any question arising as to whether it is the Regulation, any of the Brussels Conventions, the Lugano Convention, or the 2005 Hague Convention which applies in the circumstances of a particular case shall be determined as follows—

(a) in accordance with Article 64 of the Lugano Convention (which determines the relationship between the Brussels Conventions and the Lugano Convention); . . .

(b) in accordance with Article 68 of the Regulation (which determines the relationship between the Brussels Conventions and the Regulation); and

(c) in accordance with Article 26 of the 2005 Hague Convention (which determines the relationship between the Brussels Conventions, the Lugano Convention, the Regulation and the 2005 Hague Convention).

2 The Brussels Conventions to have the force of law

(1) The Brussels Conventions shall have the force of law in the United Kingdom, and judicial notice shall be taken of them.

(2) For convenience of reference there are set out in Schedules 1, 2, 3, 3A, 3B and 3C respectively the English texts of—

(a) the 1968 Convention as amended by Titles II and III of the Accession Convention, by Titles II and III of the 1982 Accession Convention . . . by Titles II and III of, and Annex I(d) to, the 1989 Accession Convention and by Titles II and III of the 1996 Accession Convention;

(b) the 1971 Protocol as amended by Title IV of the Accession Convention, by Title IV of the 1982 Accession Convention . . . by Title IV of the 1989 Accession Convention and by Title IV of the 1996 Accession Convention;

(c) Titles V and VI of the Accession Convention (transitional and final provisions) as amended by Title V of the 1989 Accession Convention;

(d) Titles V and VI of the 1982 Accession Convention (transitional and final provisions); and

(e) Titles VI and VII of the 1989 Accession Convention (transitional and final provisions),

(f) Titles V and VI of the 1996 Accession Convention (transitional and final provisions),

being texts prepared from the authentic English texts referred to in Articles 37 and 41 of the Accession Convention, in Article 17 of the 1982 Accession Convention, in Article 34 of the 1989 Accession Convention and in Article 18 of the 1996 Accession Convention.

3 Interpretation of the Brussels Conventions

(1) Any question as to the meaning or effect of any provision of the Brussels Conventions shall, if not referred to the European Court in accordance with the 1971 Protocol, be determined in accordance with the principles laid down by and any relevant decision of the European Court.

(2) Judicial notice shall be taken of any decision of, or expression of opinion by, the European Court on any such question.

(3) Without prejudice to the generality of subsection (1), the following reports (which are reproduced in the Official Journal of the European Union), namely—

(a) the reports by Mr. P. Jenard on the 1968 Convention and the 1971 Protocol; and

(b) the report by Professor Peter Schlosser on the Accession Convention; and

(c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention; and

(d) the report by Mr. Martinho de Almeida Cruz, Mr. Manuel Desantes Real and Mr. P. Jenard on the 1989 Accession Convention,

may be considered in ascertaining the meaning or effect of any provision of the Brussels Conventions and shall be given such weight as is appropriate in the circumstances

Sections 3A and 3B repealed

3A The Lugano Convention to have the force of law

(1) The Lugano Convention shall have the force of law in the United Kingdom, and judicial notice shall be taken of it.

(2) For convenience of reference there is set out in Schedule 3C the English text of the Lugano Convention as amended on the accession of Poland to that Convention.

3B Interpretation of the Lugano Convention

(1) In determining any question as to the meaning or effect of a provision of the Lugano Convention, a court in the United Kingdom shall, in accordance with Protocol No. 2 to that Convention, take account of any principles laid down in any relevant decision delivered by a court of any other Lugano Contracting State concerning provisions of the Convention.

(2) Without prejudice to any practice of the courts as to the matters which may be considered apart from this section, the report on the Lugano Convention by Mr. P. Jenard and Mr. G. Möller (which is reproduced in the Official Journal of the Communities of 28th July 1990) may be considered in ascertaining the meaning or effect of any provision of the Convention and shall be given such weight as is appropriate in the circumstances.

Supplementary provisions as to recognition and enforcement of judgments

4 Enforcement of judgments other than maintenance orders

(1) A judgment, other than a maintenance order, which is the subject of an application under Article 31 of the 1968 Convention . . . for its enforcement in any part of the United Kingdom shall, to the extent that its enforcement is authorised by the appropriate court, be registered in the prescribed manner in that court.

In this subsection "the appropriate court" means the court to which the application is made in pursuance of Article 32 (that is to say, the High Court or the Court of Session).

(2) Where a judgment is registered under this section, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.

(3) A judgment registered under this section shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.

(4) Subsection (3) is subject to Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under this section may be enforced.

4A Enforcement of judgments, other than maintenance orders, under the Lugano Convention

(1) Where a judgment, other than a maintenance order, is registered under the Lugano Convention, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.

(2) A judgment other than a maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.

(3) Subsection (2) is subject to Article 47(3) of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the Lugano Convention may be enforced.

4B Registration and enforcement of judgments under the 2005 Hague Convention

(1) A judgment which is required to be recognised and enforced under the 2005 Hague Convention in any part of the United Kingdom must be registered in the prescribed manner in the appropriate court, on the application of any interested party.

(2) In subsection (1) "the appropriate court" means—

(a) in England and Wales or Northern Ireland, the High Court;

(b) in Scotland, the Court of Session.

(3) A judgment which is required to be recognised and enforced under the 2005 Hague Convention must be registered without delay on completion of the formalities in Article 13 of the 2005 Hague Convention if the registering court considers that it meets the condition for recognition in Article 8(3) of the 2005 Hague Convention, without any review of whether a ground for refusal under Article 9 applies.

(4) The party against whom enforcement is sought shall not be entitled to make any submission on the application for registration.

(5) Where a judgment which is required to be recognised and enforced under the 2005 Hague Convention has been registered, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.

(6) A judgment which is required to be recognised and enforced under the 2005 Hague Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.

(7) Subsection (6) is subject to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the 2005 Hague Convention may be enforced.

5 Recognition and enforcement of maintenance orders

(1) The function of transmitting to the appropriate court an application under Article 31 of the 1968 Convention . . . for the recognition or enforcement in the United Kingdom of a maintenance order shall be discharged—

(a) as respects England and Wales . . . , by the Lord Chancellor;

(b) as respects Scotland, by the Secretary of State; and

(c) as respects Northern Ireland, by the Department of Justice in Northern Ireland.

In this subsection "the appropriate court" means the magistrates' court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article 32 but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court.

(2) Such an application shall be determined in the first instance by the prescribed officer—

(a) of the family court if the application is transmitted to that court, or

(b) in any other case, of the court having jurisdiction in the matter.

(3) Where on such an application the enforcement of the order is authorised to any extent, the order shall to that extent be registered in the prescribed manner in that court.

(4) A maintenance order registered under this section shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been originally made by the registering court.

(5) Subsection (4) is subject to Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under this section may be enforced.

(5A) . . .

(5B) . . .

(5C) . . .

(6) A maintenance order which by virtue of this section is enforceable by a magistrates' court in . . . Northern Ireland shall, subject to the modifications of Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 specified in sub-section (6A) below, be enforceable as an order made by that court to which that Article applies.

(6A) Article 98 (enforcement of sums adjudged to be paid) shall have effect—

(a) as if for paragraph (7)(a) there were substituted the following paragraph—

"(a) if the court is of the opinion that it is appropriate—

(i) to make an attachment of earnings order; or

(ii) to exercise its power under paragraph (8C)(b)"; as if for paragraphs (8B) to (8D) there were substituted the following paragraphs—

"(8B) Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4) for the enforcement of an order to which this Article applies, the court or resident magistrate may vary the order by exercising one of the powers under paragraph (8C).

(8C) The powers mentioned in paragraph (8B) are—

(a) the power to order that payments under the order be made directly to the collecting officer;

(b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified;

(c) the power to make an attachment of earnings order under Part IX to secure payments under the order.

(8D) In deciding which of the powers under paragraph (8C) is to be exercised, the court or, as the case may be, a resident magistrate shall have regard to any representations made by the debtor (within the meaning of Article 85).

(8E) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8C) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

"(a) the court proposes to exercise its power under sub-paragraph (b) of Article 98(8C), and".

(7) The payer under a maintenance order registered under this section in a magistrates' court in . . . Northern Ireland shall give notice of any change of address to the proper officer of that court.

A person who without reasonable excuse fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(8) In subsection (7) "proper officer" means—

(a) . . .

(b) in relation to a magistrates' court in Northern Ireland, the clerk of the court.

5A Recognition and enforcement of maintenance orders under the Lugano Convention

(1) The Secretary of State's function (under Article 39 and Annex II of the Lugano Convention) of transmitting to the appropriate court an application for the recognition or enforcement in the United Kingdom of a maintenance order (made under Article 38 of the Lugano Convention) shall be discharged—

(a) as respects England and Wales . . . , by the Lord Chancellor; and

(b) as respects Scotland, by the Scottish Ministers; and

(c) as respects Northern Ireland, by the Department of Justice in Northern Ireland.

In this subsection "the appropriate court" means the magistrates' court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article 39 but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court.

(2) Such an application shall be determined in the first instance by the prescribed officer—

(a) of the family court if the application is transmitted to that court, or

(b) in any other case, of the court having jurisdiction in the matter.

(3) A maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been made by the registering court.

(4) Subsection (3) is subject to Article 47 of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to subsection (6) and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under the Lugano Convention may be enforced.

(5) . . .

In this subsection "magistrates' court maintenance order" has the same meaning as in section 150(1) of the Magistrates' Courts Act 1980.

(6) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates' court in Northern Ireland shall, subject to the modifications of Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 specified in section 5(6A) of this Act, be enforceable as an order made by that court to which that Article applies.

(7) The payer under a maintenance order registered under the Lugano Convention in a magistrates' court in . . . Northern Ireland shall give notice of any change of address to the proper officer of that court.

(8) A person who without reasonable excuse fails to comply with subsection (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) In subsection (7) "proper officer" means—

(a) . . .

(b) in relation to a magistrates' court in Northern Ireland, the clerk of the court.

6 Appeals under Article 37, second paragraph and Article 41

(1) The single further appeal on a point of law referred to in the 1968 Convention . . . in Article 37, second paragraph and Article 41 in relation to the recognition or enforcement of a judgment other than a maintenance order lies—

(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);

(b) in Scotland, to the Inner House of the Court of Session.

(2) Paragraph (a) of subsection (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to the Supreme Court lies from a decision of the Court of Appeal).

- (3) The single further appeal on a point of law referred to in the 1968 Convention in Article 37, second paragraph and Article 41 in relation to the recognition or enforcement of a maintenance order lies—

- (a) . . .
(b) in Scotland, to the Inner House of the Court of Session;
(c) in Northern Ireland, to the Court of Appeal.

6A Appeals under Article 44 and Annex IV of the Lugano Convention

- (1) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a judgment other than a maintenance order lies—
(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);
(b) in Scotland, to the Inner House of the Court of Session.
(2) Paragraph (a) of subsection (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that House lies from a decision of the Court of Appeal).
(3) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a maintenance order lies—
(a) . . .
(b) in Scotland, to the Inner House of the Court of Session;
(c) in Northern Ireland, to the Court of Appeal.

6B Appeals in relation to registration of judgments under the 2005 Hague Convention

- (1) A decision on the application for registration of a judgment required to be recognised and enforced under the 2005 Hague Convention may be appealed against by either party.
(2) The appeal referred to in subsection (1) lies—
(a) in England and Wales or Northern Ireland, to the High Court;
(b) in Scotland, to the Court of Session.
(3) The court to which an appeal referred to in subsection (1) is brought must refuse or revoke registration only if—
(a) the condition for recognition in Article 8(3) of the 2005 Hague Convention is not met;
(b) the ground for postponement or refusal of recognition in Article 8(4) of the 2005 Hague Convention applies; or
(c) one or more of the grounds specified in Article 9 of the 2005 Hague Convention apply.
(4) A single further appeal on a point of law against the judgment given on the appeal referred to in subsection (1) lies—
(a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);
(b) in Scotland, to the Inner House of the Court of Session.
(5) Paragraph (a) of subsection (4) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that Court lies from a decision of the Court of Appeal).

7 Interest on registered judgments

- (1) Subject to subsection (4), where in connection with an application for registration of a judgment under section 4, 4A, 4B, 5 or 5A the applicant shows—
(a) that the judgment provides for the payment of a sum of money; and
(b) that in accordance with the law of the Contracting State in which the judgment was given interest on that sum is recoverable under the judgment from a particular date or time,
the rate of interest and the date or time from which it is so recoverable shall be registered with the judgment and, subject to any provision made under subsection (2), the debt resulting, apart from section 4(2), from the registration of the judgment shall carry interest in accordance with the registered particulars.
(2) Provision may be made by rules of court as to the manner in which and the periods by reference to which any interest payable by virtue of subsection (1) is to be calculated and paid, including provision for such interest to cease to accrue as from a prescribed date.
(3) Costs or expenses recoverable by virtue of section 4(2) shall carry interest as if they were the subject of an order for the payment of costs or expenses made by the registering court on the date of registration.
(4) Interest on arrears of sums payable under a maintenance order registered under section 5 in a magistrates' court in . . . Northern Ireland shall not be recoverable in that court, but without prejudice to the operation in relation to any such order of . . . section 11A of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (which enables interest to be recovered if the order is re-registered for enforcement in the High Court).
(5) Except as mentioned in subsection (4), debts under judgments registered under section 4, 4A, 4B, 5 or 5A shall carry interest only as provided by this section.

8 Currency of payment under registered maintenance orders

- (1) Sums payable in the United Kingdom under a maintenance order by virtue of its registration under section 5 or 5A, including any arrears so payable, shall be paid in the currency of the United Kingdom.
(2) Where the order is expressed in any other currency, the amounts shall be converted on the basis of the exchange rate prevailing on the date of registration of the order.
(3) For the purposes of this section, a written certificate purporting to be signed by an officer of any bank in the United Kingdom and stating the exchange rate prevailing on a specified date shall be evidence, and in Scotland sufficient evidence, of the facts stated.

Other supplementary provisions

9 Provisions supplementary to Title VII of 1968 Convention

- (1) The provisions of Title VII of the 1968 Convention and, apart from Article 64, of Title VII of the Lugano Convention and Article 26 of the 2005 Hague Convention (relationship between the Convention in question and other conventions to which Contracting States are or may become parties) shall have effect in relation to—
(a) any statutory provision, whenever passed or made, implementing any such other convention in the United Kingdom; and
(b) any rule of law so far as it has the effect of so implementing any such other convention,
as they have effect in relation to that other convention itself.
(1A) . . .
(2) . . .

10 Allocation within UK of jurisdiction with respect to trusts and consumer contracts

- (1) The provisions of this section have effect for the purpose of allocating within the United Kingdom jurisdiction in certain proceedings in respect of which the 1968 Convention or the Lugano Convention confers jurisdiction on the courts of the United Kingdom generally and to which section 16 does not apply.
(2) Any proceedings which by virtue of Article 5(6) (trusts) are brought in the United Kingdom shall be brought in the courts of the part of the United Kingdom in which the trust is domiciled.
(3) Any proceedings which by virtue of the first paragraph of Article 14 of the 1968 Convention or Article 16(1) of the Lugano Convention (consumer contracts) are brought in the United Kingdom by a consumer on the ground that he is himself domiciled there shall be brought in the courts of the part of the United Kingdom in which he is domiciled.

11 Proof and admissibility of certain judgments and related documents

- (1) For the purposes of the 1968 Convention . . . —
(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a Contracting State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
(b) the original or a copy of any such document as is mentioned in Article 46(2) or 47 (supporting documents to be produced by a party seeking recognition or enforcement of a judgment) shall be evidence, and in Scotland sufficient evidence, of any matter to which it relates.
(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
(a) to bear the seal of that court; or
(b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court.
(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.

11A Proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention

- (1) For the purposes of the Lugano Convention—
(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a State bound by the Lugano Convention other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
(b) a certificate obtained in accordance with Article 54 and Annex V shall be evidence, and in Scotland sufficient evidence, that the judgment is enforceable in the State of origin which is bound by the Lugano Convention.
(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
(a) to bear the seal of that court; or
(b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court.
(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.

11B Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention

- (1) For the purposes of the 2005 Hague Convention—
(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a 2005 Hague Convention State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
(b) a certificate issued by the court of the 2005 Hague Convention State of origin, in the form recommended for use under the 2005 Hague Convention and published by the Hague Conference on Private International Law, as referred to in Article 13(3) of the 2005 Hague Convention, shall be evidence, and in Scotland sufficient evidence, as to whether the judgment has effect or is enforceable in the 2005 Hague Convention State of origin.
(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
(a) to bear the seal of that court; or
(b) to be certified by any person in their capacity as judge or officer of that court to be a true copy of a judgment given by that court.

- (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.

12 Provision for issue of copies of, and certificates in connection with, UK judgments

Rules of court may make provision for enabling any interested party wishing to secure under the 1968 Convention, the Lugano Convention or the 2005 Hague Convention the recognition or enforcement in another Contracting State of a judgment given by a court in the United Kingdom to obtain, subject to any conditions specified in the rules—

- (a) a copy of the judgment; and
(b) a certificate giving particulars relating to the judgment and the proceedings in which it was given.

13 Modifications to cover authentic instruments and court settlements

- (1) Her Majesty may by Order in Council provide that—
(a) any provision of this Act relating to the recognition or enforcement in the United Kingdom or elsewhere of judgments to which the 1968 Convention . . . applies; and
(b) any other statutory provision, whenever passed or made, so relating,
shall apply, with such modifications as may be specified in the Order, in relation to documents and settlements within Title IV of the 1968 Convention . . . (authentic instruments and court settlements enforceable in the same manner as judgments) as if they were judgments to which the Convention in question applies.
(2) An Order in Council under this section may make different provision in relation to different descriptions of documents and settlements.
(3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

14 Modifications consequential on revision of the Conventions

- (1) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to a revision of . . . any of the Brussels Conventions, including in particular any revision connected with the accession to . . . the 1968 Convention of one or more further states, Her Majesty may by Order in Council make such modifications of this Act or any other statutory provision, whenever passed or made, as Her Majesty considers appropriate in consequence of the revision.
(2) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.
(3) In this section "revision" means an omission from, addition to or alteration of . . . any of the Brussels Conventions and includes replacement of . . . any of the Brussels Conventions to any extent by another convention, protocol or other description of international agreement.

15 Interpretation of Part I and consequential amendments

- (1) In this Part, unless the context otherwise requires—
"judgment" has the meaning given by Article 25 of the 1968 Convention or, as the case may be, Article 32 of the Lugano Convention or Article 4(1) of the 2005 Hague Convention;
"maintenance order" means a maintenance judgment within the meaning of the 1968 Convention or, as the case may be, the Lugano Convention;
"payer", in relation to a maintenance order, means the person liable to make the payments for which the order provides;
"prescribed" means prescribed by rules of court.
(2) References in this Part to a judgment registered under sections 4, 4A, 4B, 5 or 5A include, to the extent of its registration, references to a judgment so registered to a limited extent only.
(3) Anything authorised or required by the 1968 Convention the Lugano Convention or this Part to be done by, to or before a particular magistrates' court in Northern Ireland may be done by, to or before any magistrates' court acting for the same petty sessions district as that court.
(4) The enactments specified in Part I of Schedule 12 shall have effect with the amendments specified there, being amendments consequential on this Part.

Part II Jurisdiction, and Recognition and Enforcement of Judgments, within United Kingdom

16 Allocation within UK of jurisdiction in certain civil proceedings

- (1) The provisions set out in Schedule 4 (which contains a modified version of Chapter II of the Regulation) shall have effect for determining, for each part of the United Kingdom, whether the courts of law of that part, or any particular court of law in that part, have or has jurisdiction in proceedings where—
(a) the subject-matter of the proceedings is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation has effect in relation to the proceedings); and
(b) the defendant or defender is domiciled in the United Kingdom or the proceedings are of a kind mentioned in Article 24 of the Regulation (exclusive jurisdiction regardless of domicile).
(2) . . .
(3) In determining any question as to the meaning or effect of any provision contained in Schedule 4—
(a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the 1968 Convention or Chapter II of the Regulation and to any relevant decision of that court as to the meaning or effect of any provision of that Title or that Chapter; and
(b) without prejudice to the generality of paragraph (a), the reports mentioned in section 3(3) may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.
(4) The provisions of this section and Schedule 4 shall have effect subject to the Regulation, Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the 1968 Convention, the Lugano Convention and the 2005 Hague Convention and to the provisions of section 17.
(5) . . .

17 Exclusion of certain proceedings from Schedule 4

- (1) Schedule 4 shall not apply to proceedings of any description listed in Schedule 5 or to proceedings in Scotland under any enactment which confers jurisdiction on a Scottish court in respect of a specific subject-matter on specific grounds.
(2) Her Majesty may by Order in Council—
(a) add to the list in Schedule 5 any description of proceedings in any part of the United Kingdom; and
(b) remove from that list any description of proceedings in any part of the United Kingdom (whether included in the list as originally enacted or added by virtue of this subsection).
(3) An Order in Council under subsection (2)—
(a) may make different provisions for different descriptions of proceedings, for the same description of proceedings in different courts or for different parts of the United Kingdom; and
(b) may contain such transitional and other incidental provisions as appear to Her Majesty to be appropriate.
(4) An Order in Council under subsection (2) shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

18 Enforcement of UK judgments in other parts of UK

- (1) In relation to any judgment to which this section applies—
(a) Schedule 6 shall have effect for the purpose of enabling any money provisions contained in the judgment to be enforced in a part of the United Kingdom other than the part in which the judgment was given; and
(b) Schedule 7 shall have effect for the purpose of enabling any non-money provisions so contained to be so enforced.
(2) In this section "judgment" means any of the following (references to the giving of a judgment being construed accordingly)—
(a) any judgment or order (by whatever name called) given or made by a court of law in the United Kingdom;
(b) any judgment or order not within paragraph (a) which has been entered in England and Wales in the High Court or the county court or in Northern Ireland in the High Court or a county court;
(c) any document which in Scotland has been registered for execution in the Books of Council and Session or in the sheriff court books kept for any sheriffdom;
(d) any award or order made by a tribunal in any part of the United Kingdom which is enforceable in that part without an order of a court of law;
(e) an arbitration award which has become enforceable in the part of the United Kingdom in which it was given in the same manner as a judgment given by a court of law in that part;
(f) an order made, or a warrant issued, under Part 8 of the Proceeds of Crime Act 2002 for the purposes of a civil recovery investigation . . . within the meaning given by section 341 of that Act or an unexplained wealth order made under that Part (see sections 362A and 396A of that Act);
(g) an order made, or a warrant issued, under Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 for the purposes of a detained cash investigation, a detained property investigation or a frozen funds investigation within the meaning meanings given by section 341 of that Act;
and, subject to the following provisions of this section, this section applies to all such judgments.
(3) Subject to subsections (4) and (4ZA), (4ZA) and (4ZB), this section does not apply to—
(a) a judgment given in proceedings in a magistrates' court in England and Wales or Northern Ireland;
(b) a judgment given in proceedings other than civil proceedings;
(ba) a judgment given in the exercise of jurisdiction in relation to insolvency law, within the meaning of section 426 of the Insolvency Act 1986;
(c) a judgment given in proceedings relating to—
(i) . . .
(ii) . . .
(iii) the obtaining of title to administer the estate of a deceased person;
(d) an order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002 (confiscation).
(4) This section applies, whatever the nature of the proceedings in which it is made, to—
(a) a decree issued under section 13 of the Court of Exchequer (Scotland) Act 1856 (recovery of certain rentcharges and penalties by process of the Court of Session);
(b) an order which is enforceable in the same manner as a judgment of the High Court in England and Wales by virtue of section 16 of the Contempt of Court Act 1981 or section 140 of the Senior Courts Act 1981 (which relate to fines for contempt of court and forfeiture of recognisances).
(4ZA) This section applies to a freezing order made under section 40D of the Immigration Act 2014 by a magistrates' court in England and Wales or a court of summary jurisdiction in Northern Ireland.
(4ZB) This section applies to the following orders made by a magistrates' court in England and Wales or Northern Ireland—
(a) an account freezing order made under section 303Z3 of the Proceeds of Crime Act 2002;
(b) an order for the forfeiture of money made under section 303Z14 of that Act;
(c) an account freezing order made under paragraph 10S of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001;
(d) an order for the forfeiture of money made under paragraph 10Z2 of that Schedule.

- (4A) This section does not apply as respects—
- (a) the enforcement in Scotland of orders made by the High Court or the county court in England and Wales under or for the purposes of Part VI of the Criminal Justice Act 1988 or the Drug Trafficking Act 1994 (confiscation of the proceeds of certain offences or of drug trafficking); or
 - (b) the enforcement in England and Wales of orders made by the Court of Session or by the sheriff under or for the purposes of the Proceeds of Crime (Scotland) Act 1995.
- (5) This section does not apply to so much of any judgment as—
- (a) is an order to which section 16 of the Maintenance Orders Act 1950 applies (and is therefore an order for whose enforcement in another part of the United Kingdom provision is made by Part II of that Act);
 - (b) concerns the status or legal capacity of an individual;
 - (c) relates to the management of the affairs of a person not capable of managing his own affairs;
 - (d) is a provisional (including protective) measure other than an order for the making of an interim payment or an interim order made in connection with the civil recovery of proceeds of unlawful conduct other than an order of any of the following kinds—
 - (i) a freezing order of the kind mentioned in paragraph (a) or (c) of subsection (4B) made (in Scotland) by the sheriff (in addition to such orders made by a magistrates' court in England and Wales or Northern Ireland);
 - (ii) an order for the making of an interim payment;
 - (iii) an interim order made in connection with the civil recovery of proceeds of unlawful conduct;
 - (iv) an interim freezing order under section 362J of the Proceeds of Crime Act 2002;
 - (v) an interim freezing order under section 396J of that Act;
- and except where otherwise stated references to a judgment to which this section applies are to such a judgment exclusive of any such provisions.
- (6) The following are within subsection (5)(b), but without prejudice to the generality of that provision—
- (a) a decree of judicial separation or of separation;
- (6A) In subsection (5)(d), "an interim order made in connection with the civil recovery of proceeds of unlawful conduct" means any of the following made under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002—
- (a) a property freezing order or prohibitory property order;
 - (b) an order under section 245E or 245F of that Act (order relating to receivers in connection with property freezing order);
 - (c) an interim receiving order or interim administration order;
 - (d) an order under section 255G or 255H of that Act (order relating to PPO receivers in connection with prohibitory property order).
- (7) This section does not apply to a judgment of a court outside the United Kingdom which falls to be treated for the purposes of its enforcement as a judgment of a court of law in the United Kingdom by virtue of registration under Part II of the Administration of Justice Act 1920, Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933, Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972, the International Recovery of Maintenance (Hague Convention 2007) Regulations 2012 or section 4 or 5 of this Act or by virtue of the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.
- (8) A judgment to which this section applies, other than a judgment within paragraph (e) of subsection (2), shall not be enforced in another part of the United Kingdom except by way of registration under Schedule 6 or 7.

19 Recognition of UK judgments in other parts of UK

- (1) A judgment to which this section applies given in one part of the United Kingdom shall not be refused recognition in another part of the United Kingdom solely on the ground that, in relation to that judgment, the court which gave it was not a court of competent jurisdiction according to the rules of private international law in force in that other part.
- (2) Subject to subsection (3), this section applies to any judgment to which section 18 applies.
- (3) This section does not apply to—
- (a) the documents mentioned in paragraph (c) of the definition of "judgment" in section 18(2);
 - (b) the awards and orders mentioned in paragraphs (d) and (e) of that definition;
 - (c) the decrees and orders referred to in section 18(4).

Part III Jurisdiction in Scotland

...

Part IV Miscellaneous Provisions Provisions relating to jurisdiction

24 Interim relief and protective measures in cases of doubtful jurisdiction

- (1) Any power of a court in England and Wales or Northern Ireland to grant interim relief pending trial or pending the determination of an appeal shall extend to a case where—
- (a) the issue to be tried, or which is the subject of the appeal, relates to the jurisdiction of the court to entertain the proceedings; or
 - (b) the proceedings involve the reference of any matter to the European Court under the 1971 Protocol; or
 - (c) the proceedings involve a reference of any matter relating to the Regulation or the Lugano Convention or the 2005 Hague Convention to the European Court under Article 267 of the Treaty on the Functioning of the European Union; or
 - (d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union.
- (2) Any power of a court in Scotland to grant protective measures pending the decision of any hearing shall apply to a case where—
- (a) the subject of the proceedings includes a question as to the jurisdiction of the court to entertain them; or
 - (b) the proceedings involve the reference of a matter to the European Court under the 1971 Protocol; or
 - (c) the proceedings involve a reference of any matter relating to the Regulation or the Lugano Convention or the 2005 Hague Convention to the European Court under Article 267 of the Treaty on the Functioning of the European Union; or
 - (d) the proceedings involve a reference of any matter relating to the Maintenance Regulation to the European Court under Article 267 of the Treaty on the Functioning of the European Union.
- (3) Subsections (1) and (2) shall not be construed as restricting any power to grant interim relief or protective measures which a court may have apart from this section.

25 Interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings

- (1) The High Court in England and Wales or Northern Ireland shall have power to grant interim relief where—
- (a) proceedings have been or are to be commenced in a Brussels Contracting State or a State bound by the Lugano Convention or a 2005 Hague Convention State or a Regulation State or a Maintenance Regulation State other than the United Kingdom or in a part of the United Kingdom other than that in which the High Court in question exercises jurisdiction; and
 - (b) they are or will be proceedings whose subject-matter is either within the scope of the Regulation, as determined by Article 1 of the Regulation, within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation, within scope of the Lugano Convention as determined by Article 1 of the Lugano Convention or within scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention (whether or not the Regulation, the Maintenance Regulation, the Lugano Convention or the 2005 Hague Convention has effect in relation to the proceedings).
- (2) On an application for any interim relief under subsection (1) the court may refuse to grant that relief if, in the opinion of the court, the fact that the court has no jurisdiction apart from this section in relation to the subject-matter of the proceedings in question makes it inexpedient for the court to grant it.
- (3) Her Majesty may by Order in Council extend the power to grant interim relief conferred by subsection (1) so as to make it exercisable in relation to proceedings of any of the following descriptions, namely—
- (a) proceedings commenced or to be commenced otherwise than in a Brussels Contracting State or a State bound by the Lugano Convention or a 2005 Hague Convention State or Regulation State or a Maintenance Regulation State;
 - (b) proceedings whose subject-matter is not within the scope . . . of the Regulation as determined by Article 1 of the Regulation, the Maintenance Regulation as determined by Article 1 of that Regulation, the Lugano Convention as determined by Article 1 of the Lugano Convention or the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention;
- (c) . . .
- (4) An Order in Council under subsection (3)—
- (a) may confer power to grant only specified descriptions of interim relief;
 - (b) may make different provision for different classes of proceedings, for proceedings pending in different countries or courts outside the United Kingdom or in different parts of the United Kingdom, and for other different circumstances; and
 - (c) may impose conditions or restrictions on the exercise of any power conferred by the Order.
- (5) . . .
- (6) Any Order in Council under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section "interim relief", in relation to the High Court in England and Wales or Northern Ireland, means interim relief of any kind which that court has power to grant in proceedings relating to matters within its jurisdiction, other than—
- (a) a warrant for the arrest of property; or
 - (b) provision for obtaining evidence.

26 Security in Admiralty proceedings in England and Wales or Northern Ireland in case of stay, etc

.....

27 Provisional and protective measures in Scotland in the absence of substantive proceedings

.....

28 Application of s 1 of Administration of Justice (Scotland) Act 1972

.....

29 Service of county court process outside Northern Ireland

.....

30 Proceedings in England and Wales or Northern Ireland for torts to immovable property

.....

Provisions relating to recognition and enforcement of judgments

31 Overseas judgments given against states, etc

.....

32 Overseas judgments given in proceedings brought in breach of agreement for settlement of disputes

- (1) Subject to the following provisions of this section, a judgment given by a court of an overseas country in any proceedings shall not be recognised or enforced in the United Kingdom if—
- (a) the bringing of those proceedings in that court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of that country; and
- (b) those proceedings were not brought in that court by, or with the agreement of, the person against whom the judgment was given; and
- (c) that person did not counterclaim in the proceedings or otherwise submit to the jurisdiction of that court.
- (2) Subsection (1) does not apply where the agreement referred to in paragraph (a) of that subsection was illegal, void or unenforceable or was incapable of being performed for reasons not attributable to the fault of the party bringing the proceedings in which the judgment was given.
- (3) In determining whether a judgment given by a court of an overseas country should be recognised or enforced in the United Kingdom, a court in the United Kingdom shall not be bound by any decision of the overseas court relating to any of the matters mentioned in subsection (1) or (2).
- (4) Nothing in subsection (1) shall affect the recognition or enforcement in the United Kingdom of—
- (a) a judgment which is required to be recognised or enforced there under the 2005 Hague Convention, the 1968 Convention or the Lugano Convention or the Regulation or the Maintenance Regulation or the 2007 Hague Convention;
- (b) a judgment to which Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 applies by virtue of section 4 of the Carriage of Goods by Road Act 1965, section 17(4) of the Nuclear Installations Act 1965, . . . , regulation 8 of the Railways (Convention on International Carriage by Rail) Regulations 2005 . . . or section 34(1)(a) of the Merchant Shipping Act 1995.

33 Certain steps not to amount to submission to jurisdiction of overseas court

- (1) For the purposes of determining whether a judgment given by a court of an overseas country should be recognised or enforced in England and Wales or Northern Ireland, the person against whom the judgment was given shall not be regarded as having submitted to the jurisdiction of the court by reason only of the fact that he appeared (conditionally or otherwise) in the proceedings for all or any one or more of the following purposes, namely—
- (a) to contest the jurisdiction of the court;
- (b) to ask the court to dismiss or stay the proceedings on the ground that the dispute in question should be submitted to arbitration or to the determination of the courts of another country;
- (c) to protect, or obtain the release of, property seized or threatened with seizure in the proceedings.
- (2) Nothing in this section shall affect the recognition or enforcement in England and Wales or Northern Ireland of a judgment which is required to be recognised or enforced there under the 1968 Convention or the Lugano Convention or the Regulation or the Maintenance Regulation or the 2007 Hague Convention or the 2005 Hague Convention.

34 Certain judgments a bar to further proceedings on the same cause of action

.....

35 Minor amendments relating to overseas judgments

- (1) The Foreign Judgments (Reciprocal Enforcement) Act 1933 shall have effect with the amendments specified in Schedule 10, being amendments whose main purpose is to enable Part I of that Act to be applied to judgments of courts other than superior courts, to judgments providing for interim payments and to certain arbitration awards.
- (2), (3) . . .

36 Registration of maintenance orders in Northern Ireland

.....

37 Minor amendments relating to maintenance orders

- (1) The enactments specified in Schedule 11 shall have effect with the amendments specified there, being amendments whose main purpose is as follows—
- Part I—to extend certain enforcement provisions to lump sum maintenance orders;
- Part II—to provide for the recovery of interest according to the law of the country of origin in the case of maintenance orders made in other jurisdictions and registered in the High Court;
- Part III—to extend the Maintenance Orders (Reciprocal Enforcement) Act 1972 to cases where the payer under a maintenance order is not resident within the jurisdiction but has assets there.
- (2) . . .

38 Overseas judgments counteracting an award of multiple damages

.....

Jurisdiction, and recognition and enforcement of judgments, as between United Kingdom and certain territories

39 Application of provisions corresponding to 1968 Convention in relation to certain territories

- (1) Her Majesty may by Order in Council make provision corresponding to the provision made by the 1968 Convention as between the Contracting States to that Convention, with such modifications as appear to Her Majesty to be appropriate, for regulating, as between the United Kingdom and any of the territories mentioned in subsection (2), the jurisdiction of courts and the recognition and enforcement of judgments.
- (2) The territories referred to in subsection (1) are—
- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony.
- (3) An Order in Council under this section may contain such supplementary and incidental provisions as appear to Her Majesty to be necessary or expedient, including in particular provisions corresponding to or applying any of the provisions of Part I with such modifications as may be specified in the Order.
- (4) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

40 Power to modify enactments relating to legal aid etc

.....

Part V Supplementary and General Provisions

Domicile

41 Domicile of individuals

- (1) Subject to Article 52 (which contains provisions for determining whether a party is domiciled in a Contracting State), the following provisions of this section determine, for the purposes of the 1968 Convention . . . and this Act, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom or in a state other than a Contracting State.
- (2) An individual is domiciled in the United Kingdom if and only if—
- (a) he is resident in the United Kingdom; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.
- (3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—
- (a) he is resident in that part; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.
- (4) An individual is domiciled in a particular place in the United Kingdom if and only if he—
- (a) is domiciled in the part of the United Kingdom in which that place is situated; and
- (b) is resident in that place.
- (5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.
- (6) In the case of an individual who—
- (a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and
- (b) has been so resident for the last three months or more,
- the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved.
- (7) An individual is domiciled in a state other than a Contracting State if and only if—
- (a) he is resident in that state; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with that state.

41A Domicile of individuals for the purposes of the Lugano Convention

- (1) Subject to Article 59 of the Lugano Convention (which contains provisions for determining whether a party is domiciled in a State bound by the Lugano Convention), the following provisions of this section determine, for the purposes of the Lugano Convention, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom or in a state other than a State bound by the Lugano Convention.
- (2) An individual is domiciled in the United Kingdom if and only if—
- (a) he is resident in the United Kingdom; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.
- (3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—
- (a) he is resident in that part; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.
- (4) An individual is domiciled in a particular place in the United Kingdom if and only if he—
- (a) is domiciled in the part of the United Kingdom in which that place is situated; and

- (b) is resident in that place.
- (5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.
- (6) In the case of an individual who—
 - (a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and
 - (b) has been so resident for the last three months or more,
 the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved.
- (7) An individual is domiciled in a state other than a State bound by the Lugano Convention if and only if—
 - (a) he is resident in that state; and
 - (b) the nature and circumstances of his residence indicate that he has a substantial connection with that state.

42 Domicile and seat of corporation or association

- (1) For the purposes of this Act the seat of a corporation or association (as determined by this section) shall be treated as its domicile.
- (2) The following provisions of this section determine where a corporation or association has its seat—
 - (a) for the purpose of Article 53 (which for the purposes of the 1968 Convention equates the domicile of such a body with its seat); and
 - (b) for the purposes of this Act other than the provisions mentioned in section 43(1)(b) and (c).
- (3) A corporation or association has its seat in the United Kingdom, if and only if—
 - (a) it was incorporated or formed under the law of a part of the United Kingdom and has its registered office or some other official address in the United Kingdom; or
 - (b) its central management and control is exercised in the United Kingdom.
- (4) A corporation or association has its seat in a particular part of the United Kingdom if and only if it has its seat in the United Kingdom and—
 - (a) it has its registered office or some other official address in that part; or
 - (b) its central management and control is exercised in that part; or
 - (c) it has a place of business in that part.
- (5) A corporation or association has its seat in a particular place in the United Kingdom if and only if it has its seat in the part of the United Kingdom in which that place is situated and—
 - (a) it has its registered office or some other official address in that place; or
 - (b) its central management and control is exercised in that place; or
 - (c) it has a place of business in that place.
- (6) Subject to subsection (7), a corporation or association has its seat in a state other than the United Kingdom if and only if—
 - (a) it was incorporated or formed under the law of that state and has its registered office or some other official address there; or
 - (b) its central management and control is exercised in that state.
- (7) A corporation or association shall not be regarded as having its seat in a Contracting State other than the United Kingdom if it is shown that the courts of that state would not regard it as having its seat there.
- (8) In this section—

"business" includes any activity carried on by a corporation or association, and "place of business" shall be construed accordingly;

"official address", in relation to a corporation or association, means an address which it is required by law to register, notify or maintain for the purpose of receiving notices or other communications.

43 Seat of corporation or association for purposes of Article 16(2) and related provisions

- (1) The following provisions of this section determine where a corporation or association has its seat for the purposes of—
 - (a) Article 16(2) of the 1968 Convention (which confers exclusive jurisdiction over proceedings relating to the formation or dissolution of such bodies, or to the decisions of their organs);
 - (b) rules 4 and 11(b) in Schedule 4; and
 - (c) rules 2(i) and 5(1)(b) in Schedule 8.
- (2) A corporation or association has its seat in the United Kingdom if and only if—
 - (a) it was incorporated or formed under the law of a part of the United Kingdom; or
 - (b) its central management and control is exercised in the United Kingdom.
- (3) A corporation or association has its seat in a particular part of the United Kingdom if and only if it has its seat in the United Kingdom and—
 - (a) subject to subsection (5), it was incorporated or formed under the law of that part; or
 - (b) being incorporated or formed under the law of a state other than the United Kingdom, its central management and control is exercised in that part.
- (4) A corporation or association has its seat in a particular place in Scotland if and only if it has its seat in Scotland and—
 - (a) it has its registered office or some other official address in that place; or
 - (b) it has no registered office or other official address in Scotland, but its central management and control is exercised in that place.
- (5) A corporation or association incorporated or formed under—
 - (a) an enactment forming part of the law of more than one part of the United Kingdom; or
 - (b) an instrument having effect in the domestic law of more than one part of the United Kingdom,
 shall, if it has a registered office, be taken to have its seat in the part of the United Kingdom in which that office is situated, and not in any other part of the United Kingdom.
- (6) Subject to subsection (7), a corporation or association has its seat in a Contracting State other than the United Kingdom if and only if—
 - (a) it was incorporated or formed under the law of that state; or
 - (b) its central management and control is exercised in that state.
- (7) A corporation or association shall not be regarded as having its seat in a Contracting State other than the United Kingdom if—
 - (a) it has its seat in the United Kingdom by virtue of subsection (2)(a); or
 - (b) it is shown that the courts of that other state would not regard it for the purposes of Article 16(2) as having its seat there.
- (8) In this section "official address" has the same meaning as in section 42.

43A Seat of companies or other legal persons, or of associations, for the purposes of Article 22(2) of the Lugano Convention

- (1) The following provisions of this section determine where a company, or other legal person or an association of natural or legal persons, has its seat for the purposes of Article 22(2) of the Lugano Convention (which confers exclusive jurisdiction over proceedings relating to the validity of the constitution, the nullity or the dissolution of such bodies, or to the validity of the decisions of their organs).
- (2) A company, legal person or association has its seat in the United Kingdom if and only if—
 - (a) it was incorporated or formed under the law of a part of the United Kingdom; or
 - (b) its central management and control is exercised in the United Kingdom.
- (3) Subject to subsection (4), a company, legal person or association has its seat in a State bound by the Lugano Convention other than the United Kingdom if and only if—
 - (a) it was incorporated or formed under the law of that state; or
 - (b) its central management and control is exercised in that state.
- (4) A company, legal person or association shall not be regarded as having its seat in a State bound by the Lugano Convention other than the United Kingdom if—
 - (a) it has its seat in the United Kingdom by virtue of subsection (2)(a); or
 - (b) it is shown that the courts of that other state would not regard it for the purposes of Article 22(2) as having its seat there.

44 Persons deemed to be domiciled in the United Kingdom for certain purposes

- (1) This section applies to—
 - (a) proceedings within Section 3 of Title II of the 1968 Convention (insurance contracts), and
 - (b) proceedings within Section 4 of Title II of the 1968 Convention (consumer contracts).
- (2) A person who, for the purposes of proceedings to which this section applies arising out of the operations of a branch, agency or other establishment in the United Kingdom, is deemed for the purposes of the 1968 Convention to be domiciled in the United Kingdom by virtue of—
 - (a) Article 8, second paragraph (insurers); or
 - (b) Article 13, second paragraph (suppliers of goods, services or credit to consumers),
 shall, for the purposes of those proceedings, be treated for the purposes of this Act as so domiciled and as domiciled in the part of the United Kingdom in which the branch, agency or establishment in question is situated.

NOTE: Reg. 21 of the Civil Jurisdiction and Judgments Regulations 2009/3131 omitted references to the Lugano Convention in these subsections

44A Persons deemed to be domiciled in the United Kingdom for certain purposes of the Lugano Convention

- (1) This section applies to—
 - (a) proceedings within Section 3 of Title II of the Lugano Convention (insurance contracts);
 - (b) proceedings within Section 4 of Title II of the Lugano Convention (consumer contracts); and
 - (c) proceedings within Section 5 of Title II of the Lugano Convention (employment contracts).
- (2) A person who, for the purposes of proceedings to which this section applies arising out of the operations of a branch, agency or other establishment in the United Kingdom, is deemed for the purposes of the Lugano Convention to be domiciled in the United Kingdom by virtue of —
 - (a) Article 9(2) (insurers); or

(b) Article 15(2) (suppliers of goods, services or credit to consumers); or
(c) Article 18(2) (employers),
shall, for the purposes of those proceedings, be treated as so domiciled and as domiciled in the part of the United Kingdom in which the branch, agency or establishment in question is situated.

45 Domicile of trusts

(1) The following provisions of this section determine, for the purposes of the 1968 Convention, the Lugano Convention and this Act, where a trust is domiciled.
(2) A trust is domiciled in the United Kingdom if and only if it is by virtue of subsection (3) domiciled in a part of the United Kingdom.
(3) A trust is domiciled in a part of the United Kingdom if and only if the system of law of that part is the system of law with which the trust has its closest and most real connection.

46 Domicile and seat of the Crown

(1) For the purposes of this Act the seat of the Crown (as determined by this section) shall be treated as its domicile.
(2) The following provisions of this section determine where the Crown has its seat—
(a) for the purposes of the 1968 Convention (in which Article 53 equates the domicile of a legal person with its seat); and
(b) for the purposes of this Act.
(3) Subject to the provisions of any Order in Council for the time being in force under subsection (4)—
(a) the Crown in right of Her Majesty's government in the United Kingdom has its seat in every part of, and every place in, the United Kingdom; and
(aa) the Crown in right of the Scottish Administration has its seat in, and in every place in, Scotland,
(b) the Crown in right of Her Majesty's government in Northern Ireland has its seat in, and in every place in, Northern Ireland.
(4) Her Majesty may by Order in Council provide that, in the case of proceedings of any specified description against the Crown in right of Her Majesty's government in the United Kingdom, the Crown shall be treated for the purposes of the 1968 Convention, and this Act as having its seat in, and in every place in, a specified part of the United Kingdom and not in any other part of the United Kingdom.
(5) An Order in Council under subsection (4) may frame a description of proceedings in any way, and in particular may do so by reference to the government department or officer of the Crown against which or against whom they fall to be instituted.
(6) Any Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
(7) Nothing in this section applies to the Crown otherwise than in right of Her Majesty's government in the United Kingdom, the Scottish Administration or Her Majesty's government in Northern Ireland.

47 Modifications occasioned by decisions of European Court as to meaning or effect of Brussels Conventions

(1) Her Majesty may by Order in Council—
(a) make such provision as Her Majesty considers appropriate for the purpose of bringing the law of any part of the United Kingdom into accord with the Brussels Conventions as affected by any principle laid down by the European Court in connection with the Brussels Conventions or by any decision of that court as to the meaning or effect of any provision of the Brussels Conventions; or
(b) make such modifications of Schedule 4 or Schedule 8, or of any other statutory provision affected by any provision of either of those Schedules, as Her Majesty considers appropriate in view of any principle laid down by the European Court in connection with Title II of the 1968 Convention or of any decision of that court as to the meaning or effect of any provision of that Title.
(2) The provision which may be made by virtue of paragraph (a) of subsection (1) includes such modifications of this Act or any other statutory provision, whenever passed or made, as Her Majesty considers appropriate for the purpose mentioned in that paragraph.
(3) The modifications which may be made by virtue of paragraph (b) of subsection (1) include modifications designed to produce divergence between any provision of Schedule 4 or Schedule 8 and a corresponding provision of Title II of the 1968 Convention as affected by any such principle or decision as is mentioned in that paragraph.
(4) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

48 Matters for which rules of court may provide

(1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act, the Lugano Convention, the Brussels Conventions, the Regulation, the Maintenance Regulation, the 2007 Hague Convention or the 2005 Hague Convention.
(2) Rules of court may make provision as to the manner in which and the conditions subject to which a certificate or judgment—
(a) which has been registered in any court under any provision of this Act . . . or the 2007 Hague Convention,
(aa) which is enforceable in the United Kingdom under the Regulation,
(b) which is enforceable in the United Kingdom by virtue of Section 1 of Chapter IV of the Maintenance Regulation, or
(c) which has been registered for the purposes of Section 2 of that Chapter,
may be enforced, including provision for enabling the court or, in Northern Ireland the Enforcement of Judgments Office, subject to any conditions specified in the rules, to give directions about such matters.
(3) Without prejudice to the generality of subsections (1) and (2), the power to make rules of court for the family court, the power to make rules of court for magistrates' courts in Northern Ireland, and in Northern Ireland the power to make Judgment Enforcement Rules, shall include power to make such provision as the rule-making authority considers necessary or expedient for the purposes of the provisions of the Lugano Convention, the Brussels Conventions, the Regulation, the Maintenance Regulation, the 2007 Hague Convention and this Act relating to maintenance proceedings and the recognition and enforcement of maintenance orders, and shall in particular include power to make provision as to any of the following matters—
(a) authorising the service in another Contracting State, Regulation State, Maintenance Regulation State or 2007 Hague Convention State of process issued by or for the purposes of the family court or a magistrates' court and the service and execution in England and Wales or Northern Ireland of process issued in another Contracting State, Regulation State, Maintenance Regulation State or 2007 Hague Convention State;
(b) requesting courts in other parts of the United Kingdom or in other Contracting States, Regulation States, Maintenance Regulation States or 2007 Hague Convention States to take evidence there for the purposes of proceedings in England and Wales or Northern Ireland;
(c) the taking of evidence in England and Wales or Northern Ireland in response to similar requests received from such courts;
(d) the circumstances in which and the conditions subject to which any powers conferred under paragraphs (a) to (c) are to be exercised;
(e) the admission in evidence, subject to such conditions as may be prescribed in the rules, of statements contained in documents purporting to be made or authenticated by a court in another part of the United Kingdom or in another Contracting State, Regulation State, Maintenance Regulation State or 2007 Hague Convention State, or by a judge or official of such a court, which purport—
(i) to set out or summarise evidence given in proceedings in that court or to be documents received in evidence in such proceedings or copies of such documents; or
(ii) to set out or summarise evidence taken for the purposes of proceedings in England and Wales or Northern Ireland, whether or not in response to any such request as is mentioned in paragraph (b); or
(iii) to record information relating to the payments made under an order of that court;
(f) the circumstances and manner in which the family court or a magistrates' court may or must vary or revoke a maintenance order registered in that court, cancel the registration of, or refrain from enforcing, such an order or transmit such an order for enforcement in another part of the United Kingdom;
(g) the cases and manner in which courts in other parts of the United Kingdom or in other Contracting States, Regulation States, Maintenance Regulation States or 2007 Hague Convention States are to be informed of orders made, or other things done, by or for the purposes of the family court or a magistrates' court;
(h) the circumstances and manner in which the family court or a magistrates' court may communicate for other purposes with such courts;
(i) the giving of notice of such matters as may be prescribed in the rules to such persons as may be so prescribed and the manner in which such notice is to be given.
(4) Nothing in this section shall be taken as derogating from the generality of any power to make rules of court conferred by any other enactment.

49 Saving for powers to stay, sist, strike out or dismiss proceedings

Nothing in this Act shall prevent any court in the United Kingdom from staying, sisting, striking out or dismissing any proceedings before it, on the ground of forum non conveniens or otherwise, where to do so is not inconsistent with the 1968 Convention or, as the case may be, the Lugano Convention or the 2005 Hague Convention.

General

50 Interpretation: general

In this Act, unless the context otherwise requires—

"the Accession Convention", "the 1982 Accession Convention", "the 1989 Accession Convention" and "the 1996 Accession Convention" have the meaning given by section 1(1);

"Article" and references to sub-divisions of numbered Articles are to be construed in accordance with section 1(2)(b);

"association" means an unincorporated body of persons;

"Brussels Contracting State" has the meaning given by section 1(3);

"the Brussels Conventions" has the meaning given by section 1(1);

"Contracting State" has the meaning given by section 1(3);

"the 1968 Convention" has the meaning given by section 1(1), and references to that Convention and to provisions of it are to be construed in accordance with section 1(2)(a);

"the 2005 Hague Convention" has the meaning given by section 1(1);

"2005 Hague Convention State" has the meaning given by section 1(3);

...

"corporation" means a body corporate, and includes a partnership subsisting under the law of Scotland;

"court", without more, includes a tribunal;

"court of law", in relation to the United Kingdom, means any of the following courts, namely—

(a) the Supreme Court,

(aa) in England and Wales, the Court of Appeal, the High Court, the Crown Court, the family court, the county court and a magistrates' court,

(b) in . . . Northern Ireland, the Court of Appeal, the High Court, the Crown Court, a county court and a magistrates' court,

(c) in Scotland, the Court of Session, the Sheriff Appeal Court and a sheriff court;

"the Crown" is to be construed in accordance with section 51(2);

"enactment" includes an enactment comprised in Northern Ireland legislation;

"the 2007 Hague Convention" has the meaning given by section 1(1);

"2007 Hague Convention State" has the meaning given by section 1(3);

"judgment", subject to sections 15(1) and 18(2) and to paragraph 1 of Schedules 6 and 7, means any judgment or order (by whatever name called) given or made by a court in any civil proceedings;

...

"the Lugano Convention" has the meaning given by section 1(1);

"magistrates' court", in relation to Northern Ireland, means a court of summary jurisdiction;

"the Maintenance Regulation" has the meaning given by section 1(1);

"Maintenance Regulation State" has the meaning given by section 1(3);

"modifications" includes additions, omissions and alterations;

"overseas country" means any country or territory outside the United Kingdom;

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland;

"the 1971 Protocol" has the meaning given by section 1(1), and references to that Protocol and to provisions of it are to be construed in accordance with section 1(2)(a);

"the Regulation" has the meaning given by section 1(1);

"Regulation State" has the meaning given by section 1(3);

"rules of court", in relation to any court, means rules, orders or regulations made by the authority having power to make rules, orders or regulations regulating the procedure of that court, and includes—

(a) in Scotland, Acts of Sederunt;

(b) in Northern Ireland, Judgment Enforcement Rules;

"State bound by the Lugano Convention" has the meaning given by section 1(3);

"statutory provision" means any provision contained in an Act, or in any Northern Ireland legislation, or in—

(a) subordinate legislation (as defined in section 21(1) of the Interpretation Act 1978); or

(b) any instrument of a legislative character made under any Northern Ireland legislation;

"tribunal"—

(a) means a tribunal of any description other than a court of law;

(b) in relation to an overseas country, includes, as regards matters relating to maintenance within the meaning of the 1968 Convention, any authority having power to give, enforce, vary or revoke a maintenance order.

...

52.— Extent.

(1) This Act extends to Northern Ireland.

(2) Without prejudice to the power conferred by section 39, Her Majesty may by Order in Council direct that all or any of the provisions of this Act apart from that section shall extend, subject to such modifications as may be specified in the Order, to any of the following territories, that is to say—

(a) the Isle of Man;

(b) any of the Channel Islands;

(c) any colony.

Schedule 1 Text of 1968 Convention, as amended

Title I Scope

Article 1

This Convention shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.

The Convention shall not apply to—

The status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession.

Bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings.

Social security.

Arbitration.

TITLE II JURISDICTION

Section 1 General provisions

Article 2

Subject to the provisions of this Convention, persons domiciled in a Contracting State shall, whatever their nationality, be sued in the courts of that State.

Persons who are not nationals of the State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.

Article 3

Persons domiciled in a Contracting State may be sued in the courts of another Contracting State only by virtue of the rules set out in Sections 2 to 6 of this Title.

In particular the following provisions shall not be applicable as against them—

—in Belgium: Article 15 of the civil code (Code civil—Burgerlijk Wetboek) and Article 638 of the judicial code (Code judiciaire—Gerechtelijk Wetboek),

—in Denmark: Article 246(2) and (3) of the law on civil procedure (Lov om retsens pleje),

—in the Federal Republic of Germany: Article 23 of the code of civil procedure (Zivilprozeßordnung),

—in Greece, Article 40 of the code of civil procedure,

—in France: Articles 14 and 15 of the civil code (Code civil),

—in Ireland: the rules which enable jurisdiction to be founded on the document instituting the proceedings having been served on the defendant during his temporary presence in Ireland,

—in Italy: Articles 2 and 4, nos 1 and 2 of the code of civil procedure (Codice di procedura civile),

—in Luxembourg: Articles 14 and 15 of the civil code (Code civil),

—in the Netherlands: Articles 126(3) and 127 of the code of civil procedure (Wetboek van Burgerlijke Rechtsvordering),

—in Portugal: Article 65(1)(c), article 65(2) and Article 65A(c) of the code of civil procedure (Código de Processo Civil) and Article 11 of the code of labour procedure (Código de Processo de Trabalho),

—in the United Kingdom: the rules which enable jurisdiction to be founded on: (a) the document instituting the proceedings having been served on the defendant during his temporary presence in the United Kingdom; or

(b) the presence within the United Kingdom of property belonging to the defendant; or

(c) the seizure by the plaintiff of property situated in the United Kingdom.

Article 4

If the defendant is not domiciled in a Contracting State, the jurisdiction of the courts of each Contracting State shall, subject to the provisions of Article 16, be determined by the law of that State.

As against such a defendant, any person domiciled in a Contracting State may, whatever his nationality, avail himself in that State of the rules of jurisdiction there in force, and in particular those specified in the second paragraph of Article 3, in the same way as the nationals of that State.

Section 2 Special jurisdiction

Article 5

A person domiciled in a Contracting State may, in another Contracting State, be sued—

In matters relating to a contract, in the courts for the place of performance of the obligation in question; in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, the employer may also be sued in the courts for the place where the business which engaged the employee was or is now situated.

In matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties.

In matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred.

As regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings.

As regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated.

As settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Contracting State in which the trust is domiciled.

As regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question—

(a) has been arrested to secure such payment, or

(b) could have been so arrested, but bail or other security has been given;

provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.

Article 6

A person domiciled in a Contracting State may also be sued—

Where he is one of a number of defendants, in the courts for the place where any one of them is domiciled.

As a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case.

On a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending.

In matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the Contracting State in which the property is situated.

Article 6a

Where by virtue of this Convention a court of a Contracting State has jurisdiction in actions relating to liability from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that State, shall also have jurisdiction over claims for limitation of such liability.

Section 3 Jurisdiction in matters relating to insurance

Article 7

In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to the provisions of Articles 4 and 5 point 5.

Article 8

An insurer domiciled in a Contracting State may be sued—

in the courts of the State where he is domiciled, or

in another Contracting State, in the courts for the place where the policy-holder is domiciled, or

if he is a co-insurer, in the courts of a Contracting State in which proceedings are brought against the leading insurer.

An insurer who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.

Article 9

In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.

Article 10

In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings which the injured party had brought against the insured.

The provisions of Articles 7, 8 and 9 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.

If the law governing such direct actions provides that the policy-holder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.

Article 11

Without prejudice to the provisions of the third paragraph of Article 10, an insurer may bring proceedings only in the courts of the Contracting State in which the defendant is domiciled, irrespective of whether he is the policy-holder, the insured or a beneficiary.

The provisions of this Section shall not affect the right to bring a counterclaim in the court in which, in accordance with this Section, the original claim is pending.

Article 12

The provisions of this Section may be departed from only by an agreement on jurisdiction—

Which is entered into after the dispute has arisen, or

Which allows the policy-holder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section, or

Which is concluded between a policy-holder and an insurer, both of whom are domiciled in the same Contracting State, and which has the effect of conferring jurisdiction on the courts of that State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State, or

Which is concluded with a policy-holder who is not domiciled in a Contracting State, except in so far as the insurance is compulsory or relates to immovable property in a Contracting State, or

Which relates to a contract of insurance in so far as it covers one or more of the risks set out in Article 12a.

Article 12a

The following are the risks referred to in point 5 of Article 12—

Any loss of or damage to—

(a) sea-going ships, installations situated offshore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes;

(b) goods in transit other than passengers' baggage where the transit consists of or includes carriage by such ships or aircraft.

Any liability, other than for bodily injury to passengers or loss of or damage to their baggage—

(a) arising out of the use or operation of ships, installations or aircraft as referred to in point 1(a) above in so far as the law of the Contracting State in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;

(b) for loss or damage caused by goods in transit as described in point 1(b) above.

Any financial loss connected with the use or operation of ships, installations or aircraft as referred to in point 1(a) above, in particular loss of freight or charter-hire.

Any risk or interest connected with any of those referred to in points 1 to 3 above.

Section 4 Jurisdiction over consumer contracts

Article 13

In proceedings concerning a contract concluded by a person for a purpose which can be regarded as being outside his trade or profession, hereinafter called "the consumer", jurisdiction shall be determined by this Section, without prejudice to the provisions of Article 4 and point 5 of Article 5, if it is—

a contract for the sale of goods on instalment credit terms, or

a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods, or

any other contract for the supply of goods or a contract for the supply of services, and

(a) in the State of the consumer's domicile the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising; and

(b) the consumer took in that State the steps necessary for the conclusion of the contract.

Where a consumer enters into a contract with a party who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.

This Section shall not apply to contracts of transport.

Article 14

A consumer may bring proceedings against the other party to a contract either in the courts of the Contracting State in which that party is domiciled or in the courts of the Contracting State in which he is himself domiciled.

Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Contracting State in which the consumer is domiciled.

These provisions shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.

Article 15

The provisions of this Section may be departed from only by an agreement—

which is entered into after the dispute has arisen, or

which allows the consumer to bring proceedings in courts other than those indicated in this Section, or

which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Contracting State, and which confers jurisdiction on the courts of that State, provided that such an agreement is not contrary to the law of that State.

Section 5 Exclusive jurisdiction

Article 16

The following courts shall have exclusive jurisdiction, regardless of domicile:

(a) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Contracting State in which the property is situated;

(b) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the Contracting State in which the defendant is domiciled shall also have jurisdiction, provided that the landlord and the tenant are natural persons and are domiciled in the same Contracting State.

In proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or the decisions of their organs, the courts of the Contracting State in which the company, legal person or association has its seat.

In proceedings which have as their object the validity of entries in public registers, the courts of the Contracting State in which the register is kept.

In proceedings concerned with the registration or validity of patents, trade marks, designs, or other similar rights required to be deposited or registered, the courts of the Contracting State in which the deposit or registration has been applied for, has taken place or is under the terms of an international convention deemed to have taken place.

In proceedings concerned with the enforcement of judgments, the courts of the Contracting State in which the judgment has been or is to be enforced.

Section 6 Prorogation of jurisdiction

Article 17

If the parties, one or more of whom is domiciled in a Contracting State, have agreed that a court or the courts of a Contracting State are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have exclusive jurisdiction. Such an agreement conferring jurisdiction shall be either—

(a) in writing or evidenced in writing, or

(b) in a form which accords with practices which the parties have established between themselves, or

(c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.

Where such an agreement is concluded by parties, none of whom is domiciled in a Contracting State, the courts of other Contracting States shall have no jurisdiction over their disputes unless the court or courts chosen have declined jurisdiction.

The court or courts of a Contracting State on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.

Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of Articles 12 or 15, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 16.

If an agreement conferring jurisdiction was concluded for the benefit of only one of the parties, that party shall retain the right to bring proceedings in any other court which has jurisdiction by virtue of this Convention.

In matters relating to individual contracts of employment an agreement conferring jurisdiction shall have legal force only if it is entered into after the dispute has arisen or if the employee invokes it to seize courts other than those for the defendant's domicile or those specified in Article 5(1).

Article 18

Apart from jurisdiction derived from other provisions of this Convention, a court of a Contracting State before whom a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered solely to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 16.

Section 7 Examination as to jurisdiction and admissibility

Article 19

Where a court of a Contracting State is seised of a claim which is principally concerned with a matter over which the courts of another Contracting State have exclusive jurisdiction by virtue of Article 16, it shall declare of its own motion that it has no jurisdiction.

Article 20

Where a defendant domiciled in one Contracting State is sued in a court of another Contracting State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the provisions of the Convention.

The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.

The provisions of the foregoing paragraph shall be replaced by those of Article 15 of the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters, if the document instituting the proceedings or notice thereof had to be transmitted abroad in accordance with that Convention.

Section 8 Lis pendens—related actions

Article 21

Where proceedings involving the same cause of action and between the same parties are brought in the courts of different Contracting States, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.

Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.

Article 22

Where related actions are brought in the courts of different Contracting States, any court other than the court first seised may, while the actions are pending at first instance, stay its proceedings.

A court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the law of that court permits the consolidation of related actions and the court first seised has jurisdiction over both actions.

For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.

Article 23

Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.

Section 9 Provisional, including protective, measures

Article 24

Application may be made to the courts of a Contracting State for such provisional, including protective, measures as may be available under the law of that State, even if, under this Convention, the courts of another Contracting State have jurisdiction as to the substance of the matter.

TITLE III RECOGNITION AND ENFORCEMENT

Article 25

For the purposes of this Convention, "judgment" means any judgment given by a court or tribunal of a Contracting State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.

Section 1 Recognition

Article 26

A judgment given in a Contracting State shall be recognized in the other Contracting States without any special procedure being required.

Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in Sections 2 and 3 of this Title, apply for a decision that the judgment be recognized.

If the outcome of proceedings in a court of a Contracting State depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.

Article 27

A judgment shall not be recognized—

If such recognition is contrary to public policy in the State in which recognition is sought.

Where it was given in default of appearance, if the defendant was not duly served with the document which instituted the proceedings or with an equivalent document in sufficient time to enable him to arrange for his defence.

If the judgment is irreconcilable with a judgment given in a dispute between the same parties in the State in which recognition is sought.

If the court of the State of origin, in order to arrive at its judgment, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been reached by the application of the rules of private international law of that State.

If the judgment is irreconcilable with an earlier judgment given in a non-contracting State involving the same cause of action and between the same parties, provided that this latter judgment fulfils the conditions necessary for its recognition in the state addressed.

Article 28

Moreover, a judgment shall not be recognized if it conflicts with the provisions of Sections 3, 4 or 5 of Title II, or in a case provided for in Article 59.

In its examination of the grounds of jurisdiction referred to in the foregoing paragraph, the court or authority applied to shall be bound by the findings of fact on which the court of the State of origin based its jurisdiction.

Subject to the provisions of the first paragraph, the jurisdiction of the court of the State of origin may not be reviewed; the test of public policy referred to in point 1 of Article 27 may not be applied to the rules relating to jurisdiction.

Article 29

Under no circumstances may a foreign judgment be reviewed as to its substance.

Article 30

A court of a Contracting State in which recognition is sought of a judgment given in another Contracting State may stay the proceedings if an ordinary appeal against the judgment has been lodged.

A court of a Contracting State in which recognition is sought of a judgment given in Ireland or the United Kingdom may stay the proceedings if enforcement is suspended in the State of origin, by reason of an appeal.

Section 2 Enforcement

Article 31

A judgment given in a Contracting State and enforceable in that State shall be enforced in another Contracting State when, on the application of any interested party, it has been declared enforceable there.

However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland, or in Northern Ireland when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom.

Article 32

The application shall be submitted—

—in Belgium, to the tribunal de première instance or rechtbank van eerste aanleg,

—in Denmark, to the byret,

—in the Federal Republic of Germany, to the presiding judge of a chamber of the Landgericht,

—in Greece, to the Μονομελές Πρωτοδικείο

—in Spain, to the Juzgado de Primera Instancia,

—in France, to the presiding judge of the tribunal de grande instance,

—in Ireland, to the High Court,
—in Italy, to the corte d'appello,
—in Luxembourg, to the presiding judge of the tribunal d'arrondissement,
—in the Netherlands, to the presiding judge of the arrondissementsrechtbank,
—in Portugal, to the Tribunal Judicial de Círculo,
—in the United Kingdom— (a) in England and Wales, to the High Court of Justice, or in the case of maintenance judgment to the Magistrates' Court on transmission by the Secretary of State;
(b) in Scotland, to the Court of Session, or in the case of a maintenance judgment to the Sheriff Court on transmission by the Secretary of State;
(c) in Northern Ireland, to the High Court of Justice, or in the case of a maintenance judgment to the Magistrates' Court on transmission by the Secretary of State.
The jurisdiction of local courts shall be determined by reference to the place of domicile of the party against whom enforcement is sought. If he is not domiciled in the State in which enforcement is sought, it shall be determined by reference to the place of enforcement.

Article 33

The procedure for making the application shall be governed by the law of the State in which enforcement is sought.
The applicant must give an address for service of process within the area of jurisdiction of the court applied to. However, if the law of the State in which enforcement is sought does not provide for the furnishing of such an address, the applicant shall appoint a representative ad litem.
The documents referred to in Articles 46 and 47 shall be attached to the application.

Article 34

The court applied to shall give its decision without delay; the party against whom enforcement is sought shall not at this stage of the proceedings be entitled to make any submissions on the application.
The application may be refused only for one of the reasons specified in Articles 27 and 28.
Under no circumstances may the foreign judgment be reviewed as to its substance.

Article 35

The appropriate officer of the court shall without delay bring the decision given on the application to the notice of the applicant in accordance with the procedure laid down by the law of the State in which enforcement is sought.

Article 36

If enforcement is authorized, the party against whom enforcement is sought may appeal against the decision within one month of service thereof.
If that party is domiciled in a Contracting State other than that in which the decision authorizing enforcement was given, the time for appealing shall be two months and shall run from the date of service, either on him in person or at his residence. No extension of time may be granted on account of distance.

Article 37

An appeal against the decision authorizing enforcement shall be lodged in accordance with the rules governing procedure in contentious matters—
—in Belgium, with the tribunal de première instance or rechtbank van eerste aanleg,
—in Denmark, with the landsret,
—in the Federal Republic of Germany, with the Oberlandesgericht,
—in Greece, with the Εφετείο
—in Spain, with the Audiencia Provincial,
—in France, with the cour d'appel,
—in Ireland, with the High Court,
—in Italy, with the corte d'appello,
—in Luxembourg, with the Cour supérieure de justice sitting as a court of civil appeal,
—in the Netherlands, with the arrondissementsrechtbank,
—in Portugal, with the Tribunal de Relação,
—in the United Kingdom— (a) in England and Wales, with the High Court of Justice, or in the case of a maintenance judgment with the Magistrates' Court;
(b) in Scotland, with the Court of Session, or in the case of a maintenance judgment with the Sheriff Court;
(c) in Northern Ireland, with the High Court of Justice, or in the case of a maintenance judgment with the Magistrates' Court.
The judgment given on the appeal may be contested only—
—in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,
—in Denmark, by an appeal to the højesteret, with the leave of the Minister of Justice,
—in the Federal Republic of Germany, by a Rechtsbeschwerde,
—in Ireland, by an appeal on a point of law to the Supreme Court,
—in Portugal, by an appeal on a point of law,
—in the United Kingdom, by a single further appeal on a point of law.

Article 38

The court with which the appeal under Article 37(1) is lodged may, on the application of the appellant, stay the proceedings if an ordinary appeal has been lodged against the judgment in the State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged.
Where the judgment was given in Ireland or the United Kingdom, any form of appeal available in the State of origin shall be treated as an ordinary appeal for the purposes of the first paragraph.
The court may also make enforcement conditional on the provision of such security as it shall determine.

Article 39

During the time specified for an appeal pursuant to Article 36 and until any such appeal has been determined, no measures of enforcement may be taken other than protective measures taken against the property of the party against whom enforcement is sought.
The decision authorizing enforcement shall carry with it the power to proceed to any such protective measures.

Article 40

If the application for enforcement is refused, the applicant may appeal—
—in Belgium, to the cour d'appel or hof van beroep,
—in Denmark, to the landsret,
—in the Federal Republic of Germany, to the Oberlandesgericht,
—in Greece, to the Εφετείο
—in Spain, to the Audiencia Provincial,
—in France, to the court d'appel,
—in Ireland, to the High Court,
—in Italy, to the corte d'appello,
—in Luxembourg, to the Cour supérieure de justice sitting as a court of civil appeal,
—in the Netherlands, to the gerechtshof,
—in Portugal, to the Tribunal da Relação,
—in the United Kingdom— (a) in England and Wales, to the High Court of Justice, or in the case of a maintenance judgment to the Magistrates' Court;
(b) in Scotland, to the Court of Session, or in the case of a maintenance judgment to the Sheriff Court;
(c) in Northern Ireland, to the High Court of Justice, or in the case of a maintenance judgment to the Magistrates' Court.
The party against whom enforcement is sought shall be summoned to appear before the appellate court. If he fails to appear, the provisions of the second and third paragraphs of Article 20 shall apply even where he is not domiciled in any of the Contracting States.

Article 41

A judgment given on appeal provided for in Article 40 may be contested only—
—in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,
—in Denmark, by an appeal to the højesteret, with the leave of the Minister of Justice,
—in the Federal Republic of Germany, by a Rechtsbeschwerde,
—in Ireland, by an appeal on a point of law to the Supreme Court,
—in Portugal, by an appeal on a point of law,
—in the United Kingdom, by a single further appeal on a point of law

Article 42

Where a foreign judgment has been given in respect of several matters and enforcement cannot be authorized for all of them, the court shall authorize enforcement for one or more of them.

An applicant may request partial enforcement of a judgment.

Article 43

A foreign judgment which orders a periodic payment by way of a penalty shall be enforceable in the State in which enforcement is sought only if the amount of the payment has been finally determined by the courts of the State of origin.

Article 44

An applicant who, in the State of origin has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in the procedures provided for in Articles 32 to 35, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses provided for by the law of the State addressed.

However, an applicant who requests the enforcement of a decision given by an administrative authority in Denmark in respect of a maintenance order may, in the State addressed, claim the benefits referred to in the first paragraph if he presents a statement from the Danish Ministry of Justice to the effect that he fulfils the economic requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses.

Article 45

No security, bond or deposit, however described, shall be required of a party who in one Contracting State applies for enforcement of a judgment given in another Contracting State on the ground that he is a foreign national or that he is not domiciled or resident in the State in which enforcement is sought.

Section 3 Common provisions

Article 46

A party seeking recognition or applying for enforcement of a judgment shall produce—

a copy of the judgment which satisfies the conditions necessary to establish its authenticity;

in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document.

Article 47

A party applying for enforcement shall also produce—

documents which establish that, according to the law of the State of origin the judgment is enforceable and has been served;

where appropriate, a document showing that the applicant is in receipt of legal aid in the State of origin.

Article 48

If the documents specified in point 2 of Articles 46 and 47 are not produced, the court may specify a time for their production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with their production.

If the court so requires, a translation of the documents shall be produced; the translation shall be certified by a person qualified to do so in one of the Contracting States.

Article 49

No legalization or other similar formality shall be required in respect of the documents referred to in Articles 46 or 47 or the second paragraph of Article 48, or in respect of a document appointing a representative ad litem.

TITLE IV AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS

Article 50

A document which has been formally drawn up or registered as an authentic instrument and is enforceable in one Contracting State shall, in another Contracting State, be declared enforceable there, on application made in accordance with the procedures provided for in Article 31et seq. The application may be refused only if enforcement of the instrument is contrary to public policy in the State addressed.

The instrument produced must satisfy the conditions necessary to establish its authenticity in the State of origin.

The provisions of Section 3 of Title III shall apply as appropriate.

Article 51

A settlement which has been approved by a court in the course of proceedings and is enforceable in the State in which it was concluded shall be enforceable in the State addressed under the same conditions as authentic instruments.

TITLE V GENERAL PROVISIONS

Article 52

In order to determine whether a party is domiciled in the Contracting State whose courts are seised of a matter, the Court shall apply its internal law.

If a party is not domiciled in the State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another Contracting State, the court shall apply the law of that State.

Article 53

For the purposes of this Convention, the seat of a company or other legal person or association of natural or legal persons shall be treated as its domicile. However, in order to determine that seat, the court shall apply its rules of private international law.

In order to determine whether a trust is domiciled in the Contracting State whose courts are seised of the matter, the court shall apply its rules of private international law.

TITLE VI TRANSITIONAL PROVISIONS

Article 54

The provisions of the Convention shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after its entry into force in the State of origin and, where recognition or enforcement of a judgment or authentic instruments is sought, in the State addressed.

However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III if jurisdiction was founded upon rules which accorded with those provided for either in Title II of this Convention or in a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.

If the parties to a dispute concerning a contract had agreed in writing before 1st June 1988 for Ireland or before 1st January 1987 for the United Kingdom that the contract was to be governed by the law of Ireland or of a part of the United Kingdom, the courts of Ireland or of that part of the United Kingdom shall retain the right to exercise jurisdiction in the dispute.

Article 54a

For a period of three years from 1st November 1986 for Denmark and from 1st June 1988 for Ireland, jurisdiction in maritime matters shall be determined in these States not only in accordance with the provisions of Title II, but also in accordance with the provisions of paragraphs 1 to 6 following. However, upon the entry into force of the International Convention relating to the arrest of sea-going ships, signed at Brussels on 10th May 1952, for one of these States, these provisions shall cease to have effect for that State.

A person who is domiciled in a Contracting State may be sued in the Courts of one of the States mentioned above in respect of a maritime claim if the ship to which the claim relates or any other ship owned by him has been arrested by judicial process within the territory of the latter State to secure the claim, or could have been so arrested there but bail or other security has been given, and either—

(a) the claimant is domiciled in the latter State, or

(b) the claim arose in the latter State, or

(c) the claim concerns the voyage during which the arrest was made or could have been made, or

(d) the claim arises out of a collision or out of damage caused by a ship to another ship or to goods or persons on board either ship, either by the execution or non-execution of a manoeuvre or by the non-observance of regulations, or

(e) the claim is for salvage, or

(f) the claim is in respect of a mortgage or hypothecation of the ship arrested.

A claimant may arrest either the particular ship to which the maritime claim relates, or any other ship which is owned by the person who was, at the time when the maritime claim arose, the owner of the particular ship. However, only the particular ship to which the maritime claim relates may be arrested in respect of the maritime claims set out in (5)(o), (p) or (q) of this Article.

Ships shall be deemed to be in the same ownership when all the shares therein are owned by the same person or persons.

When in the case of a charter by demise of a ship the charterer alone is liable in respect of a maritime claim relating to that ship, the claimant may arrest that ship or any other ship owned by the charterer, but no other ship owned by the owner may be arrested in respect of such claim. The same shall apply to any case in which a person other than the owner of a ship is liable in respect of a maritime claim relating to that ship.

The expression "maritime claim" means a claim arising out of one or more of the following—

(a) damage caused by any ship either in collision or otherwise;

(b) loss of life or personal injury caused by any ship or occurring in connection with the operation on any ship;

(c) salvage;

(d) agreement relating to the use of hire of any ship whether by charterparty or otherwise;

(e) agreement relating to the carriage of goods in any ship whether by charterparty or otherwise;

(f) loss of or damage to goods including baggage carried in any ship;

(g) general average;

(h) bottomry;

(i) towage;

(j) pilotage;

(k) goods or materials wherever supplied to a ship for her operation or maintenance;

(l) construction, repair or equipment of any ship or dock charges and dues;

(m) wages of master, officers or crew;

(n) master's disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;

- (o) dispute as to the title to or ownership of any ship;
- (p) disputes between co-owners of any ship as to the ownership, possession, employment or earnings of that ship;
- (q) the mortgage or hypothecation of any ship.

In Denmark, the expression "arrest" shall be deemed as regards the maritime claims referred to in 5(o) and (p) of this Article, to include a "forbud", where that is the only procedure allowed in respect of such a claim under Articles 646 to 653 of the law on civil procedure (lov om retens pleje).

TITLE VII RELATIONSHIP TO OTHER CONVENTIONS

Article 55

Subject to the provisions of the second subparagraph of Article 54, and of Article 56, this Convention shall, for the States which are parties to it, supersede the following conventions concluded between two or more of them—

- the Convention between Belgium and France on jurisdiction and the validity and enforcement of judgments, arbitration awards and authentic instruments, signed at Paris on 8th July 1899,
 - the Convention between Belgium and the Netherlands on jurisdiction, bankruptcy, and the validity and enforcement of judgments, arbitration awards and authentic instruments, signed at Brussels on 28th March 1925,
 - the Convention between France and Italy on the enforcement of judgments in civil and commercial matters, signed at Rome on 3rd June 1930,
 - the Convention between the United Kingdom and the French Republic providing for the reciprocal enforcement of judgments in civil and commercial matters, with Protocol, signed at Paris on 18th January 1934,
 - the Convention between the United Kingdom and the Kingdom of Belgium providing for the reciprocal enforcement of judgments in civil and commercial matters, with Protocol, signed at Brussels on 2nd May 1934,
 - the Convention between Germany and Italy on the recognition and enforcement of judgments in civil and commercial matters, signed at Rome on 9th March 1936,
 - the Convention between the Federal Republic of Germany and the Kingdom of Belgium on the mutual recognition and enforcement of judgments, arbitration awards and authentic instruments in civil and commercial matters, signed at Bonn on 30th June 1958,
 - the Convention between the Kingdom of the Netherlands and the Italian Republic on the recognition and enforcement of judgments in civil and commercial matters, signed at Rome on 17th April 1959,
 - the Convention between the United Kingdom and the Federal Republic of Germany for the reciprocal recognition and enforcement of judgments in civil and commercial matters, signed at Bonn on 14th July 1960,
 - the Convention between the Kingdom of Greece and the Federal Republic of Germany for the reciprocal recognition and enforcement of judgments, settlements and authentic instruments in civil and commercial matters, signed in Athens on 4th November 1961,
 - the Convention between the Kingdom of Belgium and the Italian Republic on the recognition and enforcement of judgments and other enforceable instruments in civil and commercial matters, signed at Rome on 6th April 1962,
 - the Convention between the Kingdom of the Netherlands and the Federal Republic of Germany on the mutual recognition and enforcement of judgments and other enforceable instruments in civil and commercial matters, signed at The Hague on 30th August 1962,
 - the Convention between the United Kingdom and the Republic of Italy for the reciprocal recognition and enforcement of judgments in civil and commercial matters, signed at Rome on 7th February 1964, with amending Protocol signed at Rome on 14th July 1970,
 - the Convention between the United Kingdom and the Kingdom of the Netherlands providing for the reciprocal recognition and enforcement of judgments in civil matters, signed at The Hague on 17th November 1967,
 - the Convention between Spain and France on the recognition and enforcement of judgment arbitration awards in civil and commercial matters, signed at Paris on 28th May 1969,
 - the Convention between Spain and Italy regarding legal aid and the recognition and enforcement of judgments in civil and commercial matters, signed at Madrid on 22nd May 1973,
 - the Convention between Spain and the Federal Republic of Germany on the recognition and enforcement of judgments, settlements and enforceable authentic instruments in civil and commercial matters, signed at Bonn on 14th November 1983,
- and, in so far as it is in force—
- the Treaty between Belgium, the Netherlands and Luxembourg on jurisdiction, bankruptcy, and the validity and enforcement of judgments, arbitration awards and authentic instruments, signed at Brussels on 24th November 1961.

Article 56

The Treaty and the conventions referred to in Article 55 shall continue to have effect in relation to matters to which this Convention does not apply.

They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Convention.

Article 57

This Convention shall not affect any conventions to which the Contracting States are or will be parties and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments.

With a view to its uniform interpretation, paragraph 1 shall be applied in the following manner—

(a) this Convention shall not prevent a court of a Contracting State which is a party to a convention on a particular matter from assuming jurisdiction in accordance with that Convention, even where the defendant is domiciled in another Contracting State which is not a party to that Convention. The court hearing the action shall, in any event, apply Article 20 of this Convention;

(b) judgments given in a Contracting State by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognized and enforced in the other Contracting State in accordance with this Convention.

Where a convention on a particular matter to which both the State of origin and the State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Convention which concern the procedure for recognition and enforcement of judgments may be applied.

This Convention shall not affect the application of provisions which, in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments and which are or will be contained in acts of the institutions of the European Communities or in national laws harmonized in implementation of such acts.

Article 58

Until such time as the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, signed at Lugano on 16th September 1988, takes effect with regard to France and the Swiss Confederation, this Convention shall not affect the rights granted to Swiss nationals by the Convention between France and the Swiss Confederation on jurisdiction and enforcement of judgments in civil matters, signed at Paris on 15th June 1869.

Article 59

This Convention shall not prevent a Contracting State from assuming, in a convention on the recognition and enforcement of judgments, an obligation towards a third State not to recognize judgments given in other Contracting States against defendants domiciled or habitually resident in the third State where, in cases provided for in Article 4, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3.

However, a Contracting State may not assume an obligation towards a third State not to recognize a judgment given in another Contracting State by a court basing its jurisdiction on the presence within that State of property belonging to the defendant, or the seizure by the plaintiff of property situated there—

if the action is brought to assert or declare proprietary or possessory rights in that property, seeks to obtain authority to dispose of it, or arises from another issue relating to such property, or
if the property constitutes the security for a debt which is the subject-matter of the action.

TITLE VIII FINAL PROVISIONS

Article 60

[Deleted]

Article 61

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 62

This Convention shall enter into force on the first day of the third month following the deposit of the instrument of ratification by the last signatory State to take this step.

Article 63

The Contracting States recognize that any State which becomes a member of the European Economic Community shall be required to accept this Convention as a basis for the negotiations between the Contracting States and that State necessary to ensure the implementation of the last paragraph of Article 220 of the Treaty establishing the European Economic Community.

The necessary adjustments may be the subject of a special convention between the Contracting States of the one part and the new Member States of the other part.

Article 64

The Secretary-General of the Council of the European Communities shall notify the signatory States of—

- (a) the deposit of each instrument of ratification;
- (b) the date of entry into force of this Convention;
- (c) [Deleted]
- (d) any declaration received pursuant to Article IV of the Protocol;
- (e) any communication made pursuant to Article VI of the Protocol.

Article 65

The Protocol annexed to this Convention by common accord of the Contracting State shall form an integral part thereof.

Article 66

This Convention is concluded for an unlimited period.

Article 67

Any Contracting State may request the revision of this Convention. In this event, a revision conference shall be convened by the President of the Council of the European Communities.

Article 68

This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

(Signatures of Plenipotentiaries of the original six Contracting States)

ANNEXED PROTOCOL

The High Contracting Parties have agreed upon the following provisions, which shall be annexed to the Convention.

Article 1

Any person domiciled in Luxembourg who is sued in a court of another Contracting State pursuant to Article 5(1) may refuse to submit to the jurisdiction of that court. If the defendant does not enter an appearance the court shall declare of its own motion that it has no jurisdiction.

An agreement conferring jurisdiction, within the meaning of Article 17, shall be valid with respect to a person domiciled in Luxembourg only if that person has expressly and specifically so agreed.

Article II

Without prejudice to any more favourable provisions of national laws, persons domiciled in a Contracting State who are being prosecuted in the criminal courts of another Contracting State of which they are not nationals for an offence which was not intentionally committed may be defended by persons qualified to do so, even if they do not appear in person.

However, the court seised of the matter may order appearance in person; in the case of failure to appear, a judgment given in the civil action without the person concerned having had the opportunity to arrange for his defence need not be recognized or enforced in the other Contracting States.

Article III

In proceedings for the issue of an order for enforcement, no charge, duty or fee calculated by reference to the value of the matter in issue may be levied in the State in which enforcement is sought.

Article IV

Judicial and extrajudicial documents drawn up in one Contracting State which have to be served on persons in another Contracting State shall be transmitted in accordance with the procedures laid down in the conventions and agreements concluded between the Contracting States.

Unless the State in which service is to take place objects by declaration to the Secretary-General of the Council of the European Communities, such documents may also be sent by the appropriate public officers of the State in which the document has been drawn up directly to the appropriate public officers of the State in which the addressee is to be found. In this case the officer of the State of origin shall send a copy of the document to the officer of the State applied to who is competent to forward it to the addressee. The document shall be forwarded in the manner specified by the law of the State applied to. The forwarding shall be recorded by a certificate sent directly to the officer of the State of origin.

Article V

The jurisdiction specified in Articles 6(2) and 10 in actions on a warranty or guarantee or in any other third party proceedings may not be resorted to in the Federal Republic of Germany. In that State, any person domiciled in another Contracting State may be sued in the courts in pursuance of Articles 68, 72, 73 and 74 of the code of civil procedure (Zivilprozeßordnung) concerning third-party notices.

Judgments given in the other Contracting States by virtue of point 2 of Article 6 or Article 10 shall be recognized and enforced in the Federal Republic of Germany in accordance with Title III. Any effects which judgments given in that State may have on third parties by application of Articles 68, 72, 73 and 74 of the code of civil procedure (Zivilprozeßordnung) shall also be recognized in the other Contracting States.

Article Va

In matters relating to maintenance, the expression "court" includes the Danish administrative authorities.

Article Vb

In proceedings involving a dispute between the master and a member of the crew of a sea-going ship registered in Denmark, in Greece, in Ireland or in Portugal, concerning remuneration or other conditions of service, a court in a Contracting State shall establish whether the diplomatic or consular officer responsible for the ship has been notified of the dispute. It shall stay the proceedings so long as he has not been notified. It shall of its own motion decline jurisdiction if the officer, having been duly notified, has exercised the powers accorded to him in the matter by a consular convention, or in the absence of such a convention has, within the time allowed, raised any objection to the exercise of such jurisdiction.

Article Vc

Articles 52 and 53 of this Convention shall, when applied by Article 69(5) of the Convention for the European patent for the common market, signed at Luxembourg on 15th December 1975, to the provisions relating to "residence" in the English text of that Convention, operate as if "residence" in that text were the same as "domicile" in Articles 52 and 53.

Article Vd

Without prejudice to the jurisdiction of the European Patent Office under the Convention on the grant of European patents, signed at Munich on 5th October 1973, the courts of each Contracting State shall have exclusive jurisdiction, regardless of domicile, in proceedings concerned with the registration or validity of any European patent granted for that State which is not a Community patent by virtue of the provisions of Article 86 of the Convention for the European patent for the common market, signed at Luxembourg on 15th December 1975.

Article VI

The Contracting States shall communicate to the Secretary-General of the Council of the European Communities the text of any provisions of their laws which amend either those articles of their laws mentioned in the Convention or the lists of courts specified in Section 2 of Title III of the Convention.

The Treaty and the conventions referred to in Article 55 shall continue to have effect in relation to matters to which this Convention does not apply.

They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Convention.

Article 57

1

This Convention shall not affect any conventions to which the Contracting States are or will be parties and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments.

2

With a view to its uniform interpretation, paragraph 1 shall be applied in the following manner—

(a) this Convention shall not prevent a court of a Contracting State which is a party to a convention on a particular matter from assuming jurisdiction in accordance with that Convention, even where the defendant is domiciled in another Contracting State which is not a party to that Convention. The court hearing the action shall, in any event, apply Article 20 of this Convention;

(b) judgments given in a Contracting State by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognized and enforced in the other Contracting State in accordance with this Convention.

Where a convention on a particular matter to which both the State of origin and the State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Convention which concern the procedure for recognition and enforcement of judgments may be applied.

3

This Convention shall not affect the application of provisions which, in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments and which are or will be contained in acts of the institutions of the European Communities or in national laws harmonized in implementation of such acts.

Article 58

Until such time as the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, signed at Lugano on 16th September 1988, takes effect with regard to France and the Swiss Confederation, this Convention shall not affect the rights granted to Swiss nationals by the Convention between France and the Swiss Confederation on jurisdiction and enforcement of judgments in civil matters, signed at Paris on 15th June 1869.

Article 59

This Convention shall not prevent a Contracting State from assuming, in a convention on the recognition and enforcement of judgments, an obligation towards a third State not to recognize judgments given in other Contracting States against defendants domiciled or habitually resident in the third State where, in cases provided for in Article 4, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3.

However, a Contracting State may not assume an obligation towards a third State not to recognize a judgment given in another Contracting State by a court basing its jurisdiction on the presence within that State of property belonging to the defendant, or the seizure by the plaintiff of property situated there—

1

if the action is brought to assert or declare proprietary or possessory rights in that property, seeks to obtain authority to dispose of it, or arises from another issue relating to such property, or

2

if the property constitutes the security for a debt which is the subject-matter of the action.

TITLE VIII FINAL PROVISIONS

Article 60

Deleted

Article 61

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 62

This Convention shall enter into force on the first day of the third month following the deposit of the instrument of ratification by the last signatory State to take this step.

Article 63

The Contracting States recognize that any State which becomes a member of the European Economic Community shall be required to accept this Convention as a basis for the negotiations between the Contracting States and that State necessary to ensure the implementation of the last paragraph of Article 220 of the Treaty establishing the European Economic Community.

The necessary adjustments may be the subject of a special convention between the Contracting States of the one part and the new Member States of the other part.

Article 64

The Secretary-General of the Council of the European Communities shall notify the signatory States of—

- (a) the deposit of each instrument of ratification;
- (b) the date of entry into force of this Convention;
- (c) [Deleted]
- (d) any declaration received pursuant to Article IV of the Protocol;
- (e) any communication made pursuant to Article VI of the Protocol.

Article 65

The Protocol annexed to this Convention by common accord of the Contracting State shall form an integral part thereof.

Article 66

This Convention is concluded for an unlimited period.

Article 67

Any Contracting State may request the revision of this Convention. In this event, a revision conference shall be convened by the President of the Council of the European Communities.

Article 68

This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

(Signatures of Plenipotentiaries of the original six Contracting States)

ANNEXED PROTOCOL

The High Contracting Parties have agreed upon the following provisions, which shall be annexed to the Convention.

Article 1

Any person domiciled in Luxembourg who is sued in a court of another Contracting State pursuant to Article 5(1) may refuse to submit to the jurisdiction of that court. If the defendant does not enter an appearance the court shall declare of its own motion that it has no jurisdiction.

An agreement conferring jurisdiction, within the meaning of Article 17, shall be valid with respect to a person domiciled in Luxembourg only if that person has expressly and specifically so agreed.

Article II

Without prejudice to any more favourable provisions of national laws, persons domiciled in a Contracting State who are being prosecuted in the criminal courts of another Contracting State of which they are not nationals for an offence which was not intentionally committed may be defended by persons qualified to do so, even if they do not appear in person.

However, the court seized of the matter may order appearance in person; in the case of failure to appear, a judgment given in the civil action without the person concerned having had the opportunity to arrange for his defence need not be recognized or enforced in the other Contracting States.

Article III

In proceedings for the issue of an order for enforcement, no charge, duty or fee calculated by reference to the value of the matter in issue may be levied in the State in which enforcement is sought.

Article IV

Judicial and extrajudicial documents drawn up in one Contracting State which have to be served on persons in another Contracting State shall be transmitted in accordance with the procedures laid down in the conventions and agreements concluded between the Contracting States.

Unless the State in which service is to take place objects by declaration to the Secretary-General of the Council of the European Communities, such documents may also be sent by the appropriate public officers of the State in which the document has been drawn up directly to the appropriate public officers of the State in which the addressee is to be found. In this case the officer of the State of origin shall send a copy of the document to the officer of the State applied to who is competent to forward it to the addressee. The document shall be forwarded in the manner specified by the law of the State applied to. The forwarding shall be recorded by a certificate sent directly to the officer of the State of origin.

Article V

The jurisdiction specified in Articles 6(2) and 10 in actions on a warranty or guarantee or in any other third party proceedings may not be resorted to in the Federal Republic of Germany. In that State, any person domiciled in another Contracting State may be sued in the courts in pursuance of Articles 68, 72, 73 and 74 of the code of civil procedure (Zivilprozeßordnung) concerning third-party notices.

Judgments given in the other Contracting States by virtue of point 2 of Article 6 or Article 10 shall be recognized and enforced in the Federal Republic of Germany in accordance with Title III. Any effects which judgments given in that State may have on third parties by application of Articles 68, 72, 73 and 74 of the code of civil procedure (Zivilprozeßordnung) shall also be recognized in the other Contracting States.

Article Va

In matters relating to maintenance, the expression "court" includes the Danish administrative authorities.

Article Vb

In proceedings involving a dispute between the master and a member of the crew of a sea-going ship registered in Denmark, in Greece, in Ireland or in Portugal, concerning remuneration or other conditions of service, a court in a Contracting State shall establish whether the diplomatic or consular officer responsible for the ship has been notified of the dispute. It shall stay the proceedings so long as he has not been notified. It shall of its own motion decline jurisdiction if the officer, having been duly notified, has exercised the powers accorded to him in the matter by a consular convention, or in the absence of such a convention has, within the time allowed, raised any objection to the exercise of such jurisdiction.

Article Vc

Articles 52 and 53 of this Convention shall, when applied by Article 69(5) of the Convention for the European patent for the common market, signed at Luxembourg on 15th December 1975, to the provisions relating to "residence" in the English text of that Convention, operate as if "residence" in that text were the same as "domicile" in Articles 52 and 53.

Article Vd

Without prejudice to the jurisdiction of the European Patent Office under the Convention on the grant of European patents, signed at Munich on 5th October 1973, the courts of each Contracting State shall have exclusive jurisdiction, regardless of domicile, in proceedings concerned with the registration or validity of any European patent granted for that State which is not a Community patent by virtue of the provisions of Article 86 of the Convention for the European patent for the common market, signed at Luxembourg on 15th December 1975.

Article VI

The Contracting States shall communicate to the Secretary-General of the Council of the European Communities the text of any provisions of their laws which amend either those articles of their laws mentioned in the Convention or the lists of courts specified in Section 2 of Title III of the Convention.

Schedule 2 TEXT OF 1971 PROTOCOL, AS AMENDED

Article 1

The Court of Justice of the European Communities shall have jurisdiction to give rulings on the interpretation of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters and of the Protocol annexed to that Convention, signed at Brussels on 27th September 1968, and also on the interpretation of the present Protocol.

The Court of Justice of the European Communities shall also have jurisdiction to give rulings on the interpretation of the Convention on the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the Convention of 27th September 1968 and to this Protocol.

The Court of Justice of the European Communities shall also have jurisdiction to give rulings on the interpretation of the Convention on the accession of the Hellenic Republic to the Convention of 27th September 1968 and to this Protocol, as adjusted by the 1978 Convention.

The Court of Justice of the European Communities shall also have jurisdiction to give rulings on the interpretation of the Convention on the accession of the Kingdom of Spain and the Portuguese Republic to the Convention of 27th September 1968 and to this Protocol, as adjusted by the 1978 Convention and the 1982 Convention.

Article 2

The following courts may request the Court of Justice to give preliminary rulings on questions of interpretation—

- in Belgium: la Cour de Cassation—het Hof van Cassatie and le Conseil d'État—de Raad van State,
- in Denmark: højesteret,
- in the Federal Republic of Germany: die obersten Gerichtshöfe des Bundes,
- in Greece: the ανωτάτα δικαστήρια
- in Spain: el Tribunal Supremo,
- in France: la Cour de Cassation and le Conseil d'État,
- in Ireland: the Supreme Court,
- in Italy: la Corte Suprema di Cassazione,
- in Luxembourg: la Cour supérieure de Justice when sitting as Cour de Cassation,
- in the Netherlands: de Hoge Raad,
- in Portugal: o Supremo Tribunal de Justiça and o Supremo Tribunal Administrativo,
- in the United Kingdom: the House of Lords and courts to which application has been made under the second paragraph of Article 37 or under Article 41 of the Convention.

2. The courts of the Contracting States when they are sitting in an appellate capacity.
3. In the cases provided for in Article 37 of the Convention, the courts referred to in that Article.

Article 3

1. Where a question of interpretation of the Convention or of one of the other instruments referred to in Article 1 is raised in a case pending before one of the courts listed in point 1 of Article 2, that court shall, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court of Justice to give a ruling thereon.
2. Where such a question is raised before any court referred to in point 2 or 3 of Article 2, that court may, under the conditions laid down in paragraph 1, request the Court of Justice to give a ruling thereon.

Article 4

1. The competent authority of a Contracting State may request the Court of Justice to give a ruling on a question of interpretation of the Convention or of one of the other instruments referred to in Article 1 if judgments given by courts of that State conflict with the interpretation given either by the Court of Justice or in a judgment of one of the courts of another Contracting State referred to in point 1 or 2 of Article 2. The provisions of this paragraph shall apply only to judgments which have become res judicata.
2. The interpretation given by the Court of Justice in response to such a request shall not affect the judgments which gave rise to the request for interpretation.
3. The Procurators-General of the Courts of Cassation of the Contracting States, or any other authority designated by a Contracting State, shall be entitled to request the Court of Justice for a ruling on interpretation in accordance with paragraph 1.
4. The Registrar of the Court of Justice shall give notice of the request to the Contracting States, to the Commission and to the Council of the European Communities; they shall then be entitled within two months of the notification to submit statements of case or written observations to the Court.
5. No fees shall be levied or any costs or expenses awarded in respect of the proceedings provided for in this Article.

Article 5

1. Except where this Protocol otherwise provides, the provisions of the Treaty establishing the European Economic Community and those of the Protocol on the Statute of the Court of Justice annexed thereto, which are applicable when the Court is requested to give a preliminary ruling, shall also apply to any proceedings for the interpretation of the Convention and the other instruments referred to in Article 1.
2. The Rules of Procedure of the Court of Justice shall, if necessary, be adjusted and supplemented in accordance with Article 188 of the Treaty establishing the European Economic Community.

Article 6

Deleted

Article 7

This Protocol shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 8

This Protocol shall enter into force on the first day of the third month following the deposit of the instrument of ratification by the last signatory State to take this step; provided that it shall at the earliest enter into force at the same time as the Convention of 27th September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters.

Article 9

The Contracting States recognize that any State which becomes a member of the European Economic Community, and to which Article 63 of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters applies, must accept the provisions of this Protocol, subject to such adjustments as may be required.

Article 10

The Secretary-General of the Council of the European Communities shall notify the signatory States of—

- (a) the deposit of each instrument of ratification;
- (b) the date of entry into force of this Protocol;
- (c) any designation received pursuant to Article 4(3);
- (d) *Deleted*.

Article 11

The Contracting States shall communicate to the Secretary-General of the Council of the European Communities the texts of any provisions of their laws which necessitate an amendment to the list of courts in point 1 of Article 2.

Article 12

This Protocol is concluded for an unlimited period.

Article 13

Any Contracting State may request the revision of this Protocol. In this event, a revision conference shall be convened by the President of the Council of the European Communities.

Article 14

This Protocol, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

Schedule 3 TEXT OF TITLES V AND VI OF THE ACCESSION CONVENTION, AS AMENDED

TITLE V TRANSITIONAL PROVISIONS

Article 34

1

The 1968 Convention and the 1971 Protocol, with the amendments made by this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2

However, as between the six Contracting States to the 1968 Convention, judgments given after the date of entry into force of this Convention, in proceedings instituted before that date shall be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention as amended.

3

Moreover, as between the six Contracting States to the 1968 Convention and the three States mentioned in Article 1 of this Convention, and as between those three States, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall also be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention as amended if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended, or with provisions of a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.

Article 35

[Deleted]

Article 36

[Deleted]

TITLE VI FINAL PROVISIONS

Article 37

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the 1968 Convention and of the 1971 Protocol in the Dutch, French, German and Italian languages to the Governments of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland.

The texts of the 1968 Convention and the 1971 Protocol, drawn up in the Danish, English and Irish languages, shall be annexed to this Convention. The texts drawn up in the Danish, English and Irish languages shall be authentic under the same conditions as the original texts of the 1968 Convention and the 1971 Protocol.

Article 38

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

Article 39

This Convention shall enter into force, as between the States which shall have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the original Member States of the Community and one new Member State.

It shall enter into force for each new Member State which subsequently ratifies it on the first day of the third month following the deposit of its instrument of ratification.

Article 40

The Secretary-General of the Council of the European Communities shall notify the signatory States of—

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

Article 41

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Irish and Italian languages, all seven texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

Schedule 3A TEXT OF TITLES V AND VI OF 1982 ACCESSION CONVENTION

TITLE V Transitional provisions

Article 12

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention and this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II of the 1968 Convention, as amended, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.

TITLE VI Final Provisions

Article 13

The Secretary-General of the Council of [the European Union] 2 shall transmit a certified copy of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention in the Danish, Dutch, English, French, German, Irish and Italian languages to the Government of the Hellenic Republic.

The texts of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention, drawn up in the Greek language, shall be annexed to this Convention. The texts drawn up in the Greek language shall be authentic under the same conditions as the other texts of the 1968 Convention, the 1971 Protocol and the 1978 Convention.

Article 14

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of [the European Union] 2 .

Article 15

This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the Hellenic Republic and those States which have put into force the 1978 Convention in accordance with Article 39 of that Convention.

It shall enter into force for each Member State which subsequently ratifies it on the first day of the third month following the deposit of its instrument of ratification.

Article 16

The Secretary-General of the Council of [the European Union] 2 shall notify the signatory States of:

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

Article 17

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages, all eight texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of [the European Union] 2 . The Secretary-General shall transmit a certified copy to the Government of each signatory State.

Schedule 3B TEXT OF TITLES VI AND VII OF 1989 ACCESSION CONVENTION

TITLE VI TRANSITIONAL PROVISIONS

Article 29

1

The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention, the 1982 Convention and this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2

However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention, the 1982 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II of the 1968 Convention, as amended, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.

TITLE VII FINAL PROVISIONS

Article 30

1

The Secretary-General of the Council of [the European Union] 2 shall transmit a certified copy of the 1968 Convention, of the 1971 Protocol, of the 1978 Convention and of the 1982 Convention in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages to the Governments of the Kingdom of Spain and of the Portuguese Republic.

2

The texts of the 1968 Convention, of the 1971 Protocol, of the 1978 Convention and of the 1982 Convention, drawn up in the Portuguese and Spanish languages, are set out in Annexes II, III, IV and V to this Convention. The texts drawn up in the Portuguese and Spanish languages shall be authentic under the same conditions as the other texts of the 1968 Convention, the 1971 Protocol, the 1978 Convention and the 1982 Convention.

Article 31

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of [the European Union] 2 .

Article 32

1

This Convention shall enter into force on the first day of the third month following the date on which two signatory States, of which one is the Kingdom of Spain or the Portuguese Republic, deposit their instruments of ratification.

2

This Convention shall take effect in relation to any other signatory State on the first day of the third month following the deposit of its instrument of ratification.

Article 33

The Secretary-General of the Council of [the European Union] 2 shall notify the signatory States of–

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

Article 34

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, all 10 texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of [the European Union] 2 . The Secretary-General shall transmit a certified copy to the Government of each signatory State.

Schedule 3BB TEXT OF TITLES V AND VI OF 1996 ACCESSION CONVENTION

TITLE V TRANSITIONAL PROVISIONS

Article 13

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention, the 1982 Convention, the 1989 Convention and by this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention, the 1982 Convention, the 1989 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended, of the 1968 Convention, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.

TITLE VI FINAL PROVISIONS

Article 14

1. The Secretary-General of the Council of the European Union shall transmit a certified copy of the 1968 Convention, of the 1971 Protocol, of the 1978 Convention, of the 1982 Convention and of the 1989 Convention in the Danish, Dutch, English, German, Greek, Irish, Italian, Spanish and Portuguese languages to the Governments of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

2. The texts of the 1968 Convention, of the 1971 Protocol, of the 1978 Convention, of the 1982 Convention and of the 1989 Convention, drawn up in the Finnish and Swedish languages, shall be authentic under the same conditions as the other texts of the 1968 Convention, the 1971 Protocol, and 1978 Convention, the 1982 Convention and the 1989 Convention.

Article 15

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Union.

Article 16

1. This Convention shall enter into force on the first day of the third month following the date on which two signatory States, one of which is the Republic of Austria, the Republic of Finland or the Kingdom of Sweden, deposit their instruments of ratification.
2. This Convention shall produce its effects for any other signatory State on the first day of the third month following the deposit of its instrument of ratification.

Article 17

The Secretary-General of the Council of the European Union shall notify the signatory States of:

- (a) the deposit of each instrument of ratification;
- (b) the dates of entry into force of this Convention for the Contracting States.

Article 18

This Convention, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, all twelve texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

Schedule 3C TEXT OF THE LUGANO CONVENTION

Repealed

Schedule 4 CHAPTER II OF THE REGULATION AS MODIFIED: RULES FOR ALLOCATION OF JURISDICTION WITHIN UK

General

1. Subject to the rules of this Schedule, persons domiciled in a part of the United Kingdom shall be sued in the courts of that part.
2. Persons domiciled in a part of the United Kingdom may be sued in the courts of another part of the United Kingdom only by virtue of rules 3 to 13 of this Schedule.

Special jurisdiction

3. A person domiciled in a part of the United Kingdom may, in another part of the United Kingdom, be sued—
 - (a) in matters relating to a contract, in the courts for the place of performance of the obligation in question;
 - (b) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;
 - (c) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;
 - (d) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;
 - (e) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;
 - (f) as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the part of the United Kingdom in which the trust is domiciled;
 - (g) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question—
 - (i) has been arrested to secure such payment; or
 - (ii) could have been so arrested, but bail or other security has been given;provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage;
 - (h) in proceedings—
 - (i) concerning a debt secured on immovable property; or
 - (ii) which are brought to assert, declare or determine proprietary or possessory rights, or rights of security, in or over movable property, or to obtain authority to dispose of movable property,in the courts of the part of the United Kingdom in which the property is situated.
4. Proceedings which have as their object a decision of an organ of a company or other legal person or of an association of natural or legal persons may, without prejudice to the other provisions of this Schedule, be brought in the courts of the part of the United Kingdom in which that company, legal person or association has its seat.
5. A person domiciled in a part of the United Kingdom may, in another part of the United Kingdom, also be sued—
 - (a) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;
 - (b) as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;
 - (c) on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;
 - (d) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the part of the United Kingdom in which the property is situated.
6. Where by virtue of this Schedule a court of a part of the United Kingdom has jurisdiction in actions relating to liability arising from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that part, shall also have jurisdiction over claims for limitation of such liability.

Jurisdiction over consumer contracts

- 7.—
 - (1) In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, jurisdiction shall be determined by this rule and rules 8 and 9, without prejudice to rule 3(e) and (h)(ii), if—
 - (a) it is a contract for the sale of goods on instalment credit terms; or
 - (b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or
 - (c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in the part of the United Kingdom in which the consumer is domiciled or, by any means, directs such activities to that part or to other parts of the United Kingdom including that part, and the contract falls within the scope of such activities.
 - (2) This rule shall not apply to a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation, or to a contract of insurance.
- 8.—
 - (1) A consumer may bring proceedings against the other party to a contract either in the courts of the part of the United Kingdom in which that party is domiciled or in the courts of the part of the United Kingdom in which the consumer is domiciled.
 - (2) Proceedings may be brought against a consumer by the other party to the contract only in the courts of the part of the United Kingdom in which the consumer is domiciled.
 - (3) The provisions of this rule shall not affect the right to bring a counter-claim in the court in which, in accordance with this rule and rules 7 and 9, the original claim is pending.
9. The provisions of rules 7 and 8 may be departed from only by an agreement—
 - (a) which is entered into after the dispute has arisen; or
 - (b) which allows the consumer to bring proceedings in courts other than those indicated in those rules; or
 - (c) which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same part of the United Kingdom, and which confers jurisdiction on the courts of that part, provided that such an agreement is not contrary to the law of that part.

Jurisdiction over individual contracts of employment

- 10.—
 - (1) In matters relating to individual contracts of employment, jurisdiction shall be determined by this rule, without prejudice to rule 3(e).
 - (2) An employer may be sued—
 - (a) in the courts of the part of the United Kingdom in which he is domiciled; or
 - (b) in the courts of the part of the United Kingdom where the employee habitually carries out his work or in the courts of that part where he last did so; or
 - (c) if the employee does not or did not habitually carry out his work in any one place, in the courts of the part of the United Kingdom where the business which engaged the employee is or was situated.
 - (3) An employer may bring proceedings only in the courts of the part of the United Kingdom in which the employee is domiciled.
 - (4) The provisions of this rule shall not affect the right to bring a counter-claim in the court in which, in accordance with this rule, the original claim is pending.
 - (5) The provisions of this rule may be departed from only by an agreement on jurisdiction—
 - (a) which is entered into after the dispute has arisen; or
 - (b) which allows the employee to bring proceedings in courts other than those indicated in this rule.

Exclusive jurisdiction

11. The following courts shall have exclusive jurisdiction, regardless of domicile:—
 - (a)
 - (i) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the part of the United Kingdom in which the property is situated;
 - (ii) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the part of the United Kingdom in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and that the landlord and the tenant are domiciled in the same part of the United Kingdom;
 - (b) in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, the courts of the part of the United Kingdom in which the company, legal person or association has its seat;
 - (c) in proceedings which have as their object the validity of entries in public registers, the courts of the part of the United Kingdom in which the register is kept;
 - (d) in proceedings concerned with the enforcement of judgments, the courts of the part of the United Kingdom in which the judgment has been or is to be enforced.

Prorogation of jurisdiction

- 12.—

- (1) If the parties have agreed that a court or the courts of a part of the United Kingdom are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, and, apart from this Schedule, the agreement would be effective to confer jurisdiction under the law of that part, that court or those courts shall have jurisdiction.
- (2) The court or courts of a part of the United Kingdom on which a trust instrument has conferred jurisdiction shall have jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.
- (3) Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of rule 9, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of rule 11.
- 13.—
- (1) Apart from jurisdiction derived from other provisions of this Schedule, a court of a part of the United Kingdom before which a defendant enters an appearance shall have jurisdiction.
- (2) This rule shall not apply where appearance was entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of rule 11.

Examination as to jurisdiction and admissibility

14. Where a court of a part of the United Kingdom is seised of a claim which is principally concerned with a matter over which the courts of another part of the United Kingdom have exclusive jurisdiction by virtue of rule 11, it shall declare of its own motion that it has no jurisdiction.
- 15.—
- (1) Where a defendant domiciled in one part of the United Kingdom is sued in a court of another part of the United Kingdom and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the provisions of this Schedule.
- (2) The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.

Provisional, including protective, measures

16. Application may be made to the courts of a part of the United Kingdom for such provisional, including protective, measures as may be available under the law of that part, even if, under this Schedule, the courts of another part of the United Kingdom have jurisdiction as to the substance of the matter.”.

SCHEDULE 5 Proceedings Excluded from Schedule 4

Proceedings under the Companies Acts

1. Proceedings for the winding up of a company under the Insolvency Act 1986 or the Insolvency (Northern Ireland) Order 1989, or proceedings relating to a company as respects which jurisdiction is conferred on the court having winding up jurisdiction under either of those Acts.

Patents, trade marks, designs and similar rights

2. Proceedings concerned with the registration or validity of patents, trade marks, designs or other similar rights required to be deposited or registered.

Protection of Trading Interests Act 1980

3. Proceedings under section 6 of the Protection of Trading Interests Act 1980 (recovery of sums paid or obtained pursuant to a judgment for multiple damages).

Appeals etc from tribunals

4

Proceedings on appeal from, or for review of, decisions of tribunals.

...

5

...

Proceedings under certain conventions, etc

6. Proceedings brought in any court in pursuance of—

- (a) any statutory provision which, in the case of any convention to which Article 57, or Article 71 of the Regulation, applies (conventions relating to specific matters which override the general rules . . .), implements the convention or makes provision with respect to jurisdiction in any field to which the convention relates; and
- (b) any rule of law so far as it has the effect of implementing any such convention.

Certain Admiralty proceedings in Scotland

7. Proceedings in Scotland in an admiralty action where the jurisdiction of the Court of Session or, as the case may be, of the sheriff is based on arrestment in rem or ad fundandam jurisdictionem of a ship, cargo or freight.

Register of aircraft mortgages

8. Proceedings for the rectification of the register of aircraft mortgages kept by the Civil Aviation Authority.

Continental Shelf Act 1964

9. Proceedings brought in any court in pursuance of an order under section 11 of the Petroleum Act 1998.

Financial Services Act 1986

10. Proceedings such as are mentioned in section 415 of the Financial Services and Markets Act 2000.

Proceedings by third parties against insurers

11. Proceedings under the Third Parties (Rights against Insurers) Act 2010.

SCHEDULE 6 Enforcement of UK Judgments (Money Provisions)

SCHEDULE 7 Enforcement of UK Judgments (Non-Money Provisions)

SCHEDULE 8 Rules as to Jurisdiction in Scotland

SCHEDULE 9 Proceedings Excluded from Schedule 8

SCHEDULE 10 Amendments of Foreign Judgments (Reciprocal Enforcement) Act 1933

repealed

SCHEDULE 11 Minor Amendments Relating to Maintenance Orders

repealed

SCHEDULE 12 Consequential Amendments

repealed

SCHEDULE 13 Commencement, Transitional Provisions and Savings

SCHEDULE 14 Repeals

A8

Civil Partnership Act 2004

Part 5 CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

Chapter 2 OVERSEAS RELATIONSHIPS TREATED AS CIVIL PARTNERSHIPS

...

216 The same-sex requirement

- (1) Two people are not to be treated as having formed a civil partnership as a result of having registered an overseas relationship if, at the critical time, they were not of the same sex under United Kingdom law.
- (2) But if a full gender recognition certificate is issued under the 2004 Act to a person who has registered an overseas relationship which is within subsection (4), after the issue of the certificate the relationship is no longer prevented from being treated as a civil partnership on the ground that, at the critical time, the parties were not of the same sex.
- (3) However, subsection (2) does not apply to an overseas relationship which is within subsection (4) if either of the parties has formed a subsequent civil partnership or lawful marriage.
- (4) An overseas relationship is within this subsection if (and only if), at the time mentioned in section 215(2)–
- (a) one of the parties ("A") was regarded under the relevant law as having changed gender (but was not regarded under United Kingdom law as having done so), and
- (b) the other party was (under United Kingdom law) of the gender to which A had changed under the relevant law.
- (5) In this section–
- "the critical time" means the time determined in accordance with section 215(2) or (as the case may be) (3);
- "the 2004 Act" means the Gender Recognition Act 2004 (c. 7);
- "United Kingdom law" means any enactment or rule of law applying in England and Wales, Scotland and Northern Ireland.
- (6) Nothing in this section prevents the exercise of any enforceable EU right.

...

Part 5 CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

Chapter 3 DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

219 Power to make provision corresponding to EC Regulation 2201/2003

- (1) The Lord Chancellor may by regulations make provision–
- (a) as to the jurisdiction of courts in England and Wales ... in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in cases where a civil partner–
- (i) is or has been habitually resident in a member State,
- (ii) is a national of a member State, or
- (iii) is domiciled in a part of the United Kingdom or the Republic of Ireland, and
- (b) as to the recognition in England and Wales ... of any judgment of a court of another member State which orders the dissolution or annulment of a civil partnership or the legal separation of the civil partners.
- (1A) The Department of Justice in Northern Ireland may by regulations make provision–
- (a) as to the jurisdiction of courts in Northern Ireland in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in such cases as are mentioned in subsection (1)(a), and
- (b) as to the recognition in Northern Ireland of any such judgment as is mentioned in subsection (1)(b).
- (2) The Scottish Ministers may by regulations make provision–
- (a) as to the jurisdiction of courts in Scotland in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in such cases as are mentioned in subsection (1)(a), and
- (b) as to the recognition in Scotland of any such judgment as is mentioned in subsection (1)(b).
- (3) The regulations may in particular make provision corresponding to that made by Council Regulation (EC) No 2201/2003 of 27th November 2003 in relation to jurisdiction and the recognition and enforcement of judgments in matrimonial matters.
- (4) The regulations may provide that for the purposes of this Part and the regulations "member State" means–
- (a) all member States with the exception of such member States as are specified in the regulations, or
- (b) such member States as are specified in the regulations.
- (5) The regulations may make provision under subsections (1)(b), (1A)(b) and (2)(b) which applies even if the date of the dissolution, annulment or legal separation is earlier than the date on which this section comes into force.
- (6) Regulations under subsection (1) are to be made by statutory instrument and may only be made if a draft has been laid before and approved by resolution of each House of Parliament.
- (6A) Regulations under subsection (1A) are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (6B) No regulations shall be made under subsection (1A) unless a draft has been laid before and approved by resolution of the Northern Ireland Assembly.
- (6C) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6B) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (7) Regulations under subsection (2) are to be made by statutory instrument and may only be made if a draft has been laid before and approved by resolution of the Scottish Parliament.
- (8) In this Part "section 219 regulations" means regulations made under this section.

...

221 Proceedings for dissolution, separation or nullity order

- (1) The court has jurisdiction to entertain proceedings for a dissolution order or a separation order if (and only if)–
- (a) the court has jurisdiction under section 219 regulations,
- (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner is domiciled in England and Wales on the date when the proceedings are begun, or
- (c) the following conditions are met–
- (i) the two people concerned registered as civil partners of each other in England or Wales,
- (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and
- (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (2) The court has jurisdiction to entertain proceedings for a nullity order if (and only if)–
- (a) the court has jurisdiction under section 219 regulations,
- (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner–
- (i) is domiciled in England and Wales on the date when the proceedings are begun, or
- (ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or
- (c) the following conditions are met–
- (i) the two people concerned registered as civil partners of each other in England or Wales,
- (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and
- (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (3) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of subsection (1) or (2) (or this subsection), the court also has jurisdiction to entertain other proceedings, in respect of the same civil partnership, for a dissolution, separation or nullity order, even though that jurisdiction would not be exercisable under subsection (1) or (2).

...

ss.225 to 227 concern jurisdiction of the Scottish court. Contain EU law provisions but not England & Wales relevant.

ss.228 to 232 concern jurisdiction of the Northern Irish court

234 Recognition in the UK of overseas dissolution, annulment or separation

- (1) Subject to subsection (2), the validity of an overseas dissolution, annulment or legal separation is to be recognised in the United Kingdom if, and only if, it is entitled to recognition by virtue of sections 235 to 237.
- (2) This section and sections 235 to 237 do not apply to an overseas dissolution, annulment or legal separation as regards which provision as to recognition is made by section 219 regulations.
- (3) For the purposes of subsections (1) and (2) and sections 235 to 237, an overseas dissolution, annulment or legal separation is a dissolution or annulment of a civil partnership or a legal separation of civil partners which has been obtained outside the United Kingdom (whether before or after this section comes into force).

...

260 Community obligations and civil partners

- (1) Subsection (2) applies where any person, by Order in Council or regulations under section 2(2) of the European Communities Act 1972 (c. 68) (general implementation of Treaties)–
- (a) is making provision for the purpose of implementing, or for a purpose concerning, an EU obligation of the United Kingdom which relates to persons who are or have been parties to a marriage, or
- (b) has made such provision and it has not been revoked.
- (2) The appropriate person may by Order in Council or (as the case may be) by regulations make provision in relation to persons who are or have been civil partners in a civil partnership that is the same or similar to the provision referred to in subsection (1).
- (3) "Marriage" and "civil partnership" include a void marriage and a void civil partnership respectively.
- (4) "The appropriate person" means–

- (a) if subsection (1)(a) applies, the person making the provision referred to there;
- (b) if subsection (1)(b) applies, any person who would have power to make the provision referred to there if it were being made at the time of the exercise of the power under subsection (2).
- (5) The following provisions apply in relation to the power conferred by subsection (2) to make an Order in Council or regulations as they apply in relation to the power conferred by section 2(2) of the 1972 Act to make an Order in Council or regulations—
 - (a) paragraph 2 of Schedule 2 to the 1972 Act (procedure etc. in relation to making of Orders in Council and regulations: general);
 - (b) paragraph 15(3)(c) of Schedule 8 to the Scotland Act 1998 (c. 46) (modifications of paragraph 2 in relation to Scottish Ministers and to Orders in Council made on the recommendation of the First Minister);
 - (c) paragraph 3 of Schedule 2 to the 1972 Act (modifications of paragraph 2 in relation to Northern Ireland departments etc.) and the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (treating the power conferred by subsection (2) as conferred by an Act passed before 1st January 1974 for the purposes of the application of that Order);
 - (d) section 29(3) of the Government of Wales Act 1998 (c. 38) (modifications of paragraph 2 in relation to the National Assembly for Wales).

...

Schedule 5 Financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973

...

Part 9 FAILURE TO MAINTAIN: FINANCIAL PROVISION (AND INTERIM ORDERS)

39 Circumstances in which orders under this Part may be made

- (1) Either civil partner in a subsisting civil partnership may apply to the court for an order under this Part on the ground that the other civil partner ("the respondent")—
 - (a) has failed to provide reasonable maintenance for the applicant, or
 - (b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family.
- (2) The court must not entertain an application under this paragraph unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.
- (3) If, on an application under this paragraph, it appears to the court that—
 - (a) the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but
 - (b) it is not yet possible to determine what order, if any, should be made on the application,
 the court may make an interim order.
- (4) If, on an application under this paragraph, the applicant satisfies the court of a ground mentioned in sub-paragraph (1), the court may make one or more of the orders set out in paragraph 41.
- (5) In this paragraph, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

...

Part 13 CONSENT ORDERS AND MAINTAINENCE AGREEMENTS

69 Alteration of agreements by court during lives of parties

- (1) Subject to sub-paragraph (1A), either party to a maintenance agreement may apply to the court for an order under this paragraph if—
 - (a) the maintenance agreement is for the time being subsisting, and
 - (b) each of the parties to the agreement is for the time being domiciled or resident in England and Wales.
- (1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011—
 - (a) the requirement as to domicile or residence in sub-paragraph (1)(b) does not apply to the application or that part of it, but
 - (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.
- (2) The court may make an order under this paragraph if it is satisfied that—
 - (a) because of a change in the circumstances in the light of which—
 - (i) any financial arrangements contained in the agreement were made, or
 - (ii) financial arrangements were omitted from it,
 the agreement should be altered so as to make different financial arrangements or so as to contain financial arrangements, or
 - (b) that the agreement does not contain proper financial arrangements with respect to any child of the family.
- (3) In sub-paragraph (2)(a) the reference to a change in the circumstances includes a change foreseen by the parties when making the agreement.
- (4) An order under this paragraph may make such alterations in the agreement—
 - (a) by varying or revoking any financial arrangements contained in it, or
 - (b) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,
 as appear to the court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in paragraph 22(3).
- (5) The effect of the order is that the agreement is to be treated as if any alteration made by the order had been made by agreement between the partners and for valuable consideration.
- (6) The power to make an order under this paragraph is subject to paragraph 71.
- (7) In this paragraph, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

Schedule 6 Financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978

Part 8 SUPPLEMENTARY

47 Provisions as to jurisdiction and procedure

...

- (1A) If an application or part of an application for an order under this Schedule relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the family court may not entertain that application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.
- (2) Any jurisdiction conferred on the family court by this Schedule is exercisable even if any party to the proceedings is not domiciled in England and Wales.
- (3) The Lord Chancellor may make a determination for the purposes of sub-paragraph (1) only with the concurrence of the Lord Chief Justice.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.
- (5) In this paragraph "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

Schedule 7 FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

Part 1 FINANCIAL RELIEF

7 Jurisdiction of the court

- (1) Subject to sub-paragraph (6), the court shall have jurisdiction to entertain the application only if one or more of the following jurisdictional requirements is satisfied.
- (2) The first requirement is that either of the civil partners—
 - (a) was domiciled in England and Wales on the date when the leave was applied for, or
 - (b) was domiciled in England and Wales on the date when the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.
- (3) The second is that either of the civil partners—
 - (a) was habitually resident in England and Wales throughout the period of one year ending with the date when the leave was applied for, or
 - (b) was habitually resident in England and Wales throughout the period of one year ending with the date on which the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.
- (4) The third is that either or both of the civil partners had, at the date when the leave was applied for, a beneficial interest in possession in a dwelling-house situated in England or Wales which was at some time during the civil partnership a civil partnership home of the civil partners.
- (5) In sub-paragraph (4) "possession" includes receipt of, or the right to receive, rents and profits, but here "rent" does not include mortgage interest.
- (6) If an application or part of an application relates to a matter where jurisdiction falls to be determined by the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.
- (7) In sub-paragraph (6) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

8 Duty of the court to consider whether England and Wales is appropriate venue for application

- (1) Before deciding the application, the court must consider whether in all the circumstances of the case it would be appropriate for an order of the kind applied for to be made by a court in England and Wales.
- (2) Subject to sub-paragraph (4), if the court is not satisfied that it would be appropriate, the court shall dismiss the application.
- (3) The court must, in particular, have regard to the following matters—
 - (a) the connection which the civil partners have with England and Wales;
 - (b) the connection which the civil partners have with the country in which the civil partnership was dissolved or annulled or in which they were legally separated;
 - (c) the connection which the civil partners have with any other country outside England and Wales;
 - (d) any financial benefit which, in consequence of the dissolution, annulment or legal separation—
- (i) the applicant, or

(ii) a child of the family,
has received, or is likely to receive, by virtue of any agreement or the operation of the law of a country outside England and Wales;
(e) in a case where an order has been made by a court in a country outside England and Wales requiring the other civil partner—
(i) to make any payment, or
(ii) to transfer any property,
for the benefit of the applicant or a child of the family, the financial relief given by the order and the extent to which the order has been complied with or is likely to be complied with;
(f) any right which the applicant has, or has had, to apply for financial relief from the other civil partner under the law of any country outside England and Wales and, if the applicant has omitted to exercise that right, the reason for that omission;
(g) the availability in England and Wales of any property in respect of which an order under this Schedule in favour of the applicant could be made;
(h) the extent to which any order made under this Schedule is likely to be enforceable;
(i) the length of time which has elapsed since the date of the dissolution, annulment or legal separation.

(4) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in sub-paragraph (2) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule.

(5) In sub-paragraph (4) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

Schedule 11 FINANCIAL PROVISION IN SCOTLAND AFTER OVERSEAS PROCEEDINGS

Part 2 CIRCUMSTANCES IN WHICH COURT MAY ENTERTAIN APPLICATION FOR FINANCIAL PROVISION

2

(1) Subject to sub-paragraphs (3A) and (4), if the jurisdictional requirements and the conditions set out in sub-paragraphs (2) and (3), respectively, are satisfied, the court may entertain an application by one of the former civil partners or former ostensible civil partners, (here "A") for an order for financial provision.

(2) The jurisdictional requirements are—

- (a) that A is domiciled or habitually resident in Scotland when the application is made,
- (b) that the other former civil partner, or former ostensible civil partner, (here "B")—
(i) is domiciled or habitually resident in Scotland when the application is made,
(ii) was domiciled or habitually resident in Scotland when A and B last lived together in civil partnership, or
(iii) when the application is made is an owner or tenant of, or has a beneficial interest in, property in Scotland which has at some time been a family home of A and B, and
- (c) where the court is the sheriff, that when the application is made either—
(i) A or B is habitually resident in the sheriffdom, or
(ii) property mentioned in sub-paragraph (2)(b)(iii) is wholly or partially in the sheriffdom.

(3) The conditions are that—

- (a) B initiated the overseas proceedings,
- (b) the application is made within 5 years after the overseas determination takes effect,
- (c) the civil partnership (or ostensible civil partnership) had a substantial connection with Scotland,
- (d) A and B are alive when the application is made, and
- (e) (taking Part 3 of this Act to have been in force) a court in Scotland would have had jurisdiction to entertain an action for dissolution or annulment of the civil partnership, if such an action had been brought immediately before the overseas determination took effect.

(3A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011—

- (a) those requirements are to be satisfied in respect of the application, or that part of it, instead of the requirements set out in sub-paragraph (2), and
- (b) the condition mentioned in sub-paragraph (3)(c) does not apply.

(4) Where the jurisdiction of the court to entertain proceedings under this Schedule would fall to be determined by reference to the jurisdictional requirements imposed by virtue of Part 1 of the Civil Jurisdiction and Judgments Act 1982 (c. 27) (implementation of certain European conventions) ... , then—

- (a) satisfaction of the jurisdictional requirements set out in sub-paragraph (2) does not obviate the need to satisfy those so imposed, and
- (b) satisfaction of those so imposed obviates the need to satisfy those set out in sub-paragraph (2).

(5) In this paragraph "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

...

Schedule 15 FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.: NORTHERN IRELAND

Part 8, para 34 and Part 12, para 62 contain EU provisions but not England & Wales relevant

...

Schedule 17 FINANCIAL RELIEF IN NORTHERN IRELAND AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

Part 1, paras 7 and 8 contain EU provisions but not England & Wales relevant

...

A9

Companies Act 1989

Part VII FINANCIAL MARKETS AND INSOLVENCY

Supplementary provisions

183.— Insolvency proceedings in other jurisdictions.

(1) The references to insolvency law in section 426 of the Insolvency Act 1986 (co-operation with courts exercising insolvency jurisdiction in other jurisdictions) include, in relation to a part of the United Kingdom, the provisions made by or under this Part and, in relation to a relevant country or territory within the meaning of that section, so much of the law of that country or territory as corresponds to any provisions made by or under this Part.

(2) A court shall not, in pursuance of that section or any other enactment or rule of law, recognise or give effect to—

(a) any order of a court exercising jurisdiction in relation to insolvency law in a country or territory outside the United Kingdom, or

(b) any act of a person appointed in such a country or territory to discharge any functions under insolvency law,

in so far as the making of the order or the doing of the act would be prohibited in the case of a court in the United Kingdom or a relevant office-holder by provisions made by or under this Part.

(3) Subsection (2) does not affect the recognition or enforcement of a judgment required to be recognised or enforced under or by virtue of the Civil Jurisdiction and Judgments Act 1982 or Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4).

A10

Defamation Act 2013

Jurisdiction

9.— Action against a person not domiciled in the UK or a Member State etc

(1) This section applies to an action for defamation against a person who is not domiciled—

(a) in the United Kingdom;

(b) in another Member State; or

(c) in a state which is for the time being a contracting party to the Lugano Convention.

(2) A court does not have jurisdiction to hear and determine an action to which this section applies unless the court is satisfied that, of all the places in which the statement complained of has been published, England and Wales is clearly the most appropriate place in which to bring an action in respect of the statement.

(3) The references in subsection (2) to the statement complained of include references to any statement which conveys the same, or substantially the same, imputation as the statement complained of.

(4) For the purposes of this section—

(a) a person is domiciled in the United Kingdom or in another Member State if the person is domiciled there for the purposes of the Brussels Regulation;

(b) a person is domiciled in a state which is a contracting party to the Lugano Convention if the person is domiciled in the state for the purposes of that Convention.

(5) In this section—

“the Brussels Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4);

“the Lugano Convention” means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.

A11

Domicile and Matrimonial Proceedings Act 1973

Part II JURISDICTION IN MATRIMONIAL PROCEEDINGS (ENGLAND AND WALES)

5.— Jurisdiction of High Court and family court

(1) Subsections (2) to (5) below shall have effect, subject to section 6(3) and (4) of this Act, with respect to the jurisdiction of the court to entertain any of the following proceedings in relation to a marriage of a man and a woman—

(a) proceedings for divorce, judicial separation or nullity of marriage

...

(1A)

"the Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;

"Contracting State" means—

(a) a party to the Council Regulation, that is to say, Belgium, Cyprus, Czech Republic, Germany, Greece, Spain, Estonia, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Poland, Portugal, Slovakia, Slovenia, Finland, Sweden and the United Kingdom, and

(b) a party which has subsequently adopted the Council Regulation; and

"the court" means the High Court and the family court.

(2) The court shall have jurisdiction to entertain proceedings for divorce or judicial separation if (and only if)—

(a) the court has jurisdiction under the Council Regulation; or

(b) no court of a Contracting State has jurisdiction under the Council Regulation and either of the parties to the marriage is domiciled in England and Wales on the date when the proceedings are begun.

(3) The court shall have jurisdiction to entertain proceedings for nullity of marriage if (and only if)—

(a) the court has jurisdiction under the Council Regulation; or

(b) no court of a Contracting State has jurisdiction under the Council Regulation and either of the parties to the marriage—

(i) is domiciled in England and Wales on the date when the proceedings are begun; or

(ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of one year ending with the date of death.

...

(5) The court shall, at any time when proceedings are pending in respect of which it has jurisdiction by virtue of subsection (2) or (3) above (or of this subsection), also have jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, judicial separation or nullity of marriage, notwithstanding that jurisdiction would not be exercisable under subsection (2) or (3).

(5A) Schedule A1 (jurisdiction in relation to marriage of same sex couples) has effect.

(6) Schedule 1 to this Act shall have effect as to the cases in which matrimonial proceedings in England and Wales (whether the proceedings are in respect of the marriage of a man and a woman or the marriage of a same sex couple) are to be, or may be, stayed by the court where there are concurrent proceedings elsewhere in respect of the same marriage, and as to the other matters dealt with in that Schedule; but nothing in the Schedule—

(a) requires or authorises a stay of proceedings which are pending when this section comes into force; or

(b) prejudices any power to stay proceedings which is exercisable by the court apart from the Schedule.

(6A) Subsection (6) and Schedule 1, and any power as mentioned in subsection (6)(b), are subject to Article 19 of the Council Regulation.

...

Part III JURISDICTION IN CONSISTORIAL CAUSES (SCOTLAND)

...

10.— Ancillary and collateral orders.

Contains EU provisions but not England & Wales relevant

...

Schedule A1 JURISDICTION IN RELATION TO MARRIAGE OF SAME SEX COUPLES

1 Introduction

This Schedule shall have effect, subject to section 6(3) and (4), with respect to the jurisdiction of the court to entertain any of the following proceedings in relation to a marriage of a same sex couple—

(a) proceedings for divorce, judicial separation or nullity of marriage;

(b) proceedings for an order which ends a marriage on the ground that one of the couple is dead; and

(c) proceedings for a declaration of validity.

2 Divorce, judicial separation or annulment

(1) The court has jurisdiction to entertain proceedings for divorce or judicial separation if (and only if)—

(a) the court has jurisdiction under regulations under paragraph 5,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5 and either of the married same sex couple is domiciled in England and Wales on the date when the proceedings are begun, or

(c) the following conditions are met—

(i) the two people concerned married each other under the law of England and Wales,

(ii) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5, and

(iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

(2) The court has jurisdiction to entertain proceedings for nullity of marriage if (and only if)—

(a) the court has jurisdiction under regulations under paragraph 5,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5 and either of the married same sex couple—

(i) is domiciled in England and Wales on the date when the proceedings are begun, or

(ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or

(c) the following conditions are met—

(i) the two people concerned married each other under the law of England and Wales,

(ii) no court has, or is recognised as having, jurisdiction under regulations under paragraph 5, and

(iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

(3) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of sub-paragraph (1) or (2) (or this sub-paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, judicial separation or nullity of marriage, even though that jurisdiction would not be exercisable under subsection (1) or (2).

3 Presumption of death order

The court has jurisdiction to entertain proceedings for an order which ends a marriage on the ground that one of the couple is dead on an application made by the other of the couple ("the applicant") if (and only if)—

(a) at the time the application is made, the High Court does not have jurisdiction to entertain an application by the applicant under section 1 of the Presumption of Death Act 2013 for a declaration that the applicant's spouse is presumed to be dead, and

(b) the two people concerned married each other under the law of England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

4 Declaration of validity

The court has jurisdiction to entertain an application for a declaration of validity if (and only if)—

(a) either of the parties to the marriage to which the application relates—

(i) is domiciled in England and Wales on the date of the application,

(ii) has been habitually resident in England and Wales throughout the period of 1 year ending with that date, or

(iii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or

(b) the two people concerned married each other under the law of England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

5 Power to make provision corresponding to EC Regulation 2201/2003

(1) The Lord Chancellor may by regulations make provision—

(a) as to the jurisdiction of courts in England and Wales in proceedings for the divorce of, or annulment of the marriage of, a same sex couple or for judicial separation of a married same sex couple where one of the couple—

(i) is or has been habitually resident in a member State,

(ii) is a national of a member State, or

(iii) is domiciled in a part of the United Kingdom or the Republic of Ireland, and

(b) as to the recognition in England and Wales of any judgment of a court of another member State which orders the divorce of, or annulment of a marriage of, a same sex couple or the judicial separation of a married same sex couple.

(2) The regulations may in particular make provision corresponding to that made by Council Regulation (EC) No 2201/2003 of 27th November 2003 in relation to jurisdiction and the recognition and enforcement of judgments in matrimonial matters.

- (3) The regulations may provide that for the purposes of the regulations "member State" means—
- (a) all member States with the exception of such member States as are specified in the regulations, or
 - (b) such member States as are specified in the regulations.
- (4) The regulations may make provision under sub-paragraph (1)(b) which applies even if the date of the divorce, annulment or judicial separation is earlier than the date on which this paragraph comes into force.
- (5) Regulations under this paragraph are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, each House of Parliament.

6 Interpretation

In this Schedule "declaration of validity" means—

- (a) a declaration as to the validity of a marriage,
- (b) a declaration as to the subsistence of a marriage, or
- (c) a declaration as to the validity of a divorce, annulment or judicial separation obtained outside England and Wales in respect of a marriage.

Schedule 1 STAYING OF MATRIMONIAL PROCEEDINGS (ENGLAND AND WALES)

Discretionary stays

9.—

(1) Where before the beginning of the trial or first trial in any matrimonial proceedings, other than proceedings governed by the Council Regulation, which are continuing in the court it appears to the court—

- (a) that any proceedings in respect of the marriage in question, or capable of affecting its validity or subsistence, are continuing in another jurisdiction; and
 - (b) that the balance of fairness (including convenience) as between the parties to the marriage is such that it is appropriate for the proceedings in that jurisdiction to be disposed of before further steps are taken in the proceedings in the court or in those proceedings so far as they consist of a particular kind of matrimonial proceedings,
- the court may then, if it thinks fit, order that the proceedings in the court be stayed or, as the case may be, that those proceedings be stayed so far as they consist of proceedings of that kind.

(2) In considering the balance of fairness and convenience for the purposes of sub-paragraph (1)(b) above, the court shall have regard to all factors appearing to be relevant, including the convenience of witnesses and any delay or expense which may result from the proceedings being stayed, or not being stayed.

(3) In the case of any proceedings so far as they are proceedings for divorce, the court shall not exercise the power conferred on it by sub-paragraph (1) above while an application under paragraph 8 above in respect of the proceedings is pending.

(4) If, at any time after the beginning of the trial or first trial in any matrimonial proceedings which are pending in the court, the court declares by order that it is satisfied that a person has failed to perform the duty imposed on him in respect of the proceedings by paragraph 7 above, sub-paragraph (1) above shall have effect in relation to those proceedings and, to the other proceedings by reference to which the declaration is made, as if the words "before the beginning of the trial or first trial" were omitted; but no action shall lie in respect of the failure of a person to perform such a duty.

A12

Equality Act 2010

Part 9 ENFORCEMENT

Chapter 2 CIVIL COURTS

118 Time limits

(1) **Subject to sections 140A** and 140AA proceedings on a claim within section 114 may not be brought after the end of—

- (a) the period of 6 months starting with the date of the act to which the claim relates, or
- (b) such other period as the county court or sheriff thinks just and equitable.

(2) If subsection (3) applies, subsection (1)(a) has effect as if for “6 months” there were substituted “9 months”.

(3) This subsection applies if—

- (a) the claim relates to the act of a qualifying institution, and
- (b) a complaint relating to the act is referred under the student complaints scheme before the end of the period of 6 months starting with the date of the act.

...

(5) If it has been decided under the immigration provisions that the act of an immigration authority in taking a relevant decision is a contravention of Part 3 (services and public functions), subsection (1) has effect as if for paragraph (a) there were substituted—

“(a) the period of 6 months starting with the day after the expiry of the period during which, as a result of section 114(2), proceedings could not be brought in reliance on section 114(1)(a).”.

(6) For the purposes of this section—

- (a) conduct extending over a period is to be treated as done at the end of the period;
- (b) failure to do something is to be treated as occurring when the person in question decided on it.

(7) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—

- (a) when P does an act inconsistent with doing it, or
- (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

(8) In this section—

“immigration authority”, “immigration provisions” and “relevant decision” each have the meaning given in section 115;

“qualifying institution” has the meaning given in section 11 of the Higher Education Act 2004;

“the student complaints scheme” means a scheme for the review of qualifying complaints (within the meaning of section 12 of that Act) that is provided by the designated operator (within the meaning of section 13(5)(b) of that Act).

123 Time limits

(1) **Subject to sections 140A** and 140B proceedings on a complaint within section 120 may not be brought after the end of—

- (a) the period of 3 months starting with the date of the act to which the complaint relates, or
- (b) such other period as the employment tribunal thinks just and equitable.

(2) Proceedings may not be brought in reliance on section 121(1) after the end of—

- (a) the period of 6 months starting with the date of the act to which the proceedings relate, or
- (b) such other period as the employment tribunal thinks just and equitable.

(3) For the purposes of this section—

- (a) conduct extending over a period is to be treated as done at the end of the period;
- (b) failure to do something is to be treated as occurring when the person in question decided on it.

(4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—

- (a) when P does an act inconsistent with doing it, or
- (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

129 Time limits

(1) This section applies to—

- (a) a complaint relating to a breach of an equality clause or rule;
- (b) an application for a declaration referred to in section 127(3) or (4).

(2) Proceedings on the complaint or application may not be brought in an employment tribunal after the end of the qualifying period.

(3) If the complaint or application relates to terms of work other than terms of service in the armed forces, the qualifying period is, in a case mentioned in the first column of the table, the period mentioned in the second column, **subject to sections 140A** and 140B

Case	Qualifying period
A standard case	The period of 6 months beginning with the last day of the employment or appointment.
A stable work case (but not if it is also a concealment or incapacity case (or both))	The period of 6 months beginning with the day on which the stable working relationship ended.
A concealment case (but not if it is also an incapacity case)	The period of 6 months beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.
An incapacity case (but not if it is also a concealment case)	The period of 6 months beginning with the day on which the worker ceased to have the incapacity.
A case which is a concealment case and an incapacity case.	The period of 6 months beginning with the later of the days on which the period would begin if the case were merely a concealment or incapacity case.

(4) If the complaint or application relates to terms of service in the armed forces, the qualifying period is, in a case mentioned in the first column of the table, the period mentioned in the second column, subject to section 140B.

Case	Qualifying period
A standard case	The period of 9 months beginning with the last day of the period of service during which the complaint arose.
A concealment case (but not if it is also an incapacity case)	The period of 9 months beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.
An incapacity case (but not if it is also a concealment case)	The period of 9 months beginning with the day on which the worker ceased to have the incapacity.
A case which is a concealment case and an incapacity case.	The period of 9 months beginning with the later of the days on which the period would begin if the case were merely a concealment or incapacity case.

140A.— Extension of time limits because of mediation in certain cross-border disputes

(1) In this section—

(a) “Mediation Directive” means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,

(b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,

(c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and

(d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

(2) Subsection (3) applies where—

- (a) a time limit is set by section 118(1)(a), 118(2) or 129(3) in relation to the whole or part of a relevant dispute,
- (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
- (c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.

(3) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).

(4) If a time limit mentioned in subsection (2)(a) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).

(5) Subsection (6) applies where—

- (a) a time limit is set by section 123(1)(a) in relation to the whole or part of a relevant dispute,
- (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
- (c) if not extended by this section the time limit would expire before the mediation ends or less than four weeks after it ends.

(6) The time limit expires instead at the end of four weeks after the mediation ends (subject to subsection (7)).

(7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).

(8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.

(9) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.

(10) For the purposes of this section, a mediation ends on the date of the first of these to occur—

- (a) the parties reach an agreement in resolution of the relevant dispute,
- (b) a party completes the notification of the other parties that it has withdrawn from the mediation,

- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
 - (d) the parties, after being notified that the mediator's appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
 - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (12) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.
- (13) Where a court or tribunal has power under section 118(1)(b) or 123(1)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this section.

A13

Family Law Act 1986

Part I CHILD CUSTODY

Chapter II JURISDICTION OF COURTS IN ENGLAND AND WALES

2.— Jurisdiction: general.

(1) A court in England and Wales shall not make a section 1(1)(a) order with respect to a child unless—

(a) it has jurisdiction under the Council Regulation or the Hague Convention, or

(b) neither the Council Regulation nor the Hague Convention applies but—

(i) the question of making the order arises in or in connection with matrimonial proceedings or civil partnership proceedings and the condition in section 2A of this Act is satisfied, or

(ii) the condition in section 3 of this Act is satisfied.

(2A) A court in England and Wales shall not have jurisdiction to make a special guardianship order under the Children Act 1989 unless the condition in section 3 of this Act is satisfied.

(2B) A court in England and Wales shall not have jurisdiction to make an order under section 26 of the Adoption and Children Act 2002 unless the condition in section 3 of this Act is satisfied.

(2C) A court in England and Wales shall not have jurisdiction to make an order under section 51A of the Adoption and Children Act 2002 unless—

(a) it has jurisdiction under the Council Regulation or the Hague Convention, or

(b) neither the Council Regulation nor the Hague Convention applies but the condition in section 3 of this Act is satisfied.

(3) A court in England and Wales shall not make a section 1(1)(d) order unless—

(a) it has jurisdiction under the Council Regulation or the Hague Convention, or

(b) neither the Council Regulation nor the Hague Convention applies but—

(i) the condition in section 3 of this Act is satisfied, or

(ii) the child concerned is present in England and Wales on the relevant date and the court considers that the immediate exercise of its powers is necessary for his protection.

2A.— Jurisdiction in or in connection with matrimonial proceedings or civil partnership proceedings.

(1) The condition referred to in section 2(1) of this Act is that the proceedings are proceedings in respect of the marriage or civil partnership of the parents of the child concerned and—

(a) the proceedings—

(i) are proceedings for divorce or nullity of marriage or dissolution or annulment of a civil partnership, and

(ii) are continuing;

(b) the proceedings—

(i) are proceedings for judicial separation or legal separation of civil partners

(ii) are continuing,

and the jurisdiction of the court is not excluded by subsection (2) below; or

(c) the proceedings have been dismissed after the beginning of the trial but—

(i) the section 1(1)(a) order is being made forthwith, or

(ii) the application for the order was made on or before the dismissal.

(2) For the purposes of subsection (1)(b) above, the jurisdiction of the court is excluded if—

(a) after the grant of a decree of judicial separation, on the relevant date, proceedings for divorce or nullity in respect of the marriage, or

(b) after the making of a separation order, on the relevant date, proceedings for dissolution or annulment in respect of the civil partnership,

are continuing in Scotland or Northern Ireland.

(3) Subsection (2) above shall not apply if the court in which the other proceedings there referred to are continuing has made—

(a) an order under section 13(6) or 19A(4) of this Act (not being an order made by virtue of section 13(6)(a)(i)), or

(b) an order under section 14(2) or 22(2) of this Act which is recorded as being made for the purpose of enabling Part I proceedings to be taken in England and Wales with respect to the child concerned.

(4) Where a court—

(a) has jurisdiction to make a section 1(1)(a) order by virtue of section 2(1)(b)(i) of this Act, but

(b) considers that it would be more appropriate for Part I matters relating to the child to be determined outside England and Wales,

the court may by order direct that, while the order under this subsection is in force, no section 1(1)(a) order shall be made by any court by virtue of section 2(1)(b)(i) of this Act

3.— Habitual residence or presence of child.

(1) The condition referred to in section 2(1)(b)(ii) of this Act is that on the relevant date the child concerned—

(a) is habitually resident in England and Wales, or

(b) is present in England and Wales and is not habitually resident in any part of the United Kingdom,

and, in either case, the jurisdiction of the court is not excluded by subsection (2) below.

(2) For the purposes of subsection (1) above, the jurisdiction of the court is excluded if, on the relevant date, matrimonial proceedings or civil partnership proceedings are continuing in a court in Scotland or Northern Ireland in respect of the marriage or civil partnership of the parents of the child concerned.

(3) Subsection (2) above shall not apply if the court in which the other proceedings there referred to are continuing has made—

(a) an order under section 13(6) or 19A(4) of this Act (not being an order made by virtue of section 13(6)(a)(i)), or

(b) an order under section 14(2) or 22(2) of this Act which is recorded as made for the purpose of enabling Part I proceedings with respect to the child concerned to be taken in England and Wales,

and that order is in force.

5.— Power of court to refuse application or stay proceedings.

(1) A court in England and Wales which has jurisdiction to make a Part I order may refuse an application for the order in any case where the matter in question has already been determined in proceedings outside England and Wales.

(2) Where, at any stage of the proceedings on an application made to a court in England and Wales for a Part I order, or for the variation of a Part I order, it appears to the court—

(a) that proceedings with respect to the matters to which the application relates are continuing outside England and Wales,

(b) that it would be more appropriate for those matters to be determined in proceedings to be taken outside England and Wales,

(c) that it should exercise its powers under Article 15 of the Council Regulation (transfer to a court better placed to hear the case), or

(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction),

the court may stay the proceedings on the application or (as the case may be) exercise its powers under Article 15 of the Council Regulation or Article 8 of the Hague Convention.

(2A) If the proceedings on the application are proceedings in which an activity direction has been made under section 11A of the Children Act 1989 (or an enforcement order has been made under section 11J of that Act), the court may when granting a stay under or by virtue of subsection (2) also suspend the activity direction (or the enforcement order).

(3) The court may remove a stay granted by virtue of subsection (2)(a) or (b) above if it appears to the court that there has been unreasonable delay in the taking or prosecution of the other proceedings referred to in that subsection, or that those proceedings are stayed, sisted or concluded.

(3A) The court may remove a stay granted under Article 15 of the Council Regulation only in accordance with that Article.

(3AA) The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—

(a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or

(b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.

(3B) If the stay removed under subsection (3), (3A) or (3AA) is a stay in relation to which the court suspended an activity direction made under section 11A of the Children Act 1989 (or an enforcement order made under section 11J of that Act), the court may when removing the stay under subsection (3) or (3A) also bring the suspension to an end.

(4) Nothing in this section so far as it relates to proceedings not governed by the Council Regulation shall affect any power exercisable apart from this section to refuse an application or to grant or remove a stay.

...

Part I CHILD CUSTODY

Chapter IV JURISDICTION OF COURTS IN NORTHERN IRELAND

NOTE: s.19, s.19A, s.20 and s.22 contain EU provisions but not England & Wales relevant

...

Chapter VI MISCELLANEOUS AND SUPPLEMENTAL

42.— General interpretation of Part I.

(1) In this Part—

"certified copy", in relation to an order of any court, means a copy certified by the prescribed officer of the court to be a true copy of the order or of the official record of the order;

"parental responsibilities" and "parental rights" have the meanings respectively given by sections 1(3) and 2(4) of the Children (Scotland) Act 1995;

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland;

"prescribed" means prescribed by rules of court or act of sederunt ;

"the Council Regulation" means Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.

"the Hague Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996."

(2) For the purposes of this Part proceedings in England and Wales or in Northern Ireland for divorce, nullity or judicial separation in respect of the marriage of the parents of a child shall, unless they have been dismissed, be treated as continuing until the child concerned attains the age of eighteen (whether or not a decree has been granted and whether or not, in the case of a decree of divorce or nullity of marriage, that decree has been made absolute).

(2A) For the purposes of this Part proceedings in England and Wales or in Northern Ireland for dissolution, annulment or legal separation in respect of the civil partnership of the parents of the child shall, unless they have been dismissed, be treated as continuing until the child concerned attains the age of eighteen (whether or not a dissolution, nullity or separation order has been made and whether or not, in the case of a dissolution or nullity order, that order has been made final).

(3) For the purposes of this Part, matrimonial proceedings or civil partnership proceedings in a court in Scotland which has jurisdiction in those proceedings to make a Part I order with respect to a child shall, unless they have been dismissed or decree of absolver has been granted therein, be treated as continuing until the child concerned attains the age of sixteen.

(4) Any reference in this Part to proceedings in respect of the marriage of the parents of a child shall, in relation to a child who, although not a child of both parties to the marriage, is a child of the family of those parties, be construed as a reference to proceedings in respect of that marriage; and for this purpose "child of the family" —

(a) if the proceedings are in England and Wales, means any child who has been treated by both parties as a child of their family, except a child who is placed with those parties as foster parents by a local authority or a voluntary organisation;

(b) if the proceedings are in Scotland, means any child who has been treated by both parties as a child of their family, except a child who has been placed with those parties as foster parents by a local authority or a voluntary organisation;

(c) if the proceedings are in Northern Ireland, means any child who has been treated by both parties as a child of their family, except a child who is placed with those parties as foster parents by an authority within the meaning of the Children (Northern Ireland) Order 1995 or a voluntary organisation.

(4A) Any reference in this Part to proceedings in respect of the civil partnership of the parents of a child shall, in relation to a child who, although not a child of the civil partners, is a child of the family of the civil partners, be construed as a reference to proceedings in respect of that civil partnership; and for this purpose "child of the family" has the meaning given in paragraphs (a) to (c) of subsection (4) (but substituting references to the civil partners for references to the parties to the marriage).

(5) References in this Part to Part I orders include (except where the context otherwise requires) references to Part I orders as varied.

(6) For the purposes of this Part each of the following orders shall be treated as varying the Part I order to which it relates—

(a) an order which provides for a person to be allowed contact with or to be given access to a child who is the subject of a Part I order , or which makes provision for the education of such a child.

(7) In this Part—

(a) references to Part I proceedings in respect of a child are references to any proceedings for a Part I order or an order corresponding to a Part I order and include, in relation to proceedings outside the United Kingdom, references to proceedings before a tribunal or other authority having power under the law having effect there to determine Part I matters; and

(b) references to Part I matters are references to matters that might be determined by a Part I order or an order corresponding to a Part I order.

Part II RECOGNITION OF DIVORCES, ANNULMENTS AND LEGAL SEPARATIONS

...

45. Recognition in the United Kingdom of overseas divorces, annulments and legal separations.

(1) Subject to subsection (2) of this section and sections 51 and 52 of this Act, the validity of a divorce, annulment or legal separation obtained in a country outside the British Islands (in this Part referred to as an overseas divorce, annulment or legal separation) shall be recognised in the United Kingdom if, and only if, it is entitled to recognition—

(a) by virtue of sections 46 to 49 of this Act, or

(b) by virtue of any enactment other than this Part.

(2) Subsection (1) and the following provisions of this Part do not apply to an overseas divorce, annulment or legal separation as regards which provision as to recognition is made by Articles 21 to 27, 41(1) and 42(1) of the Council Regulation.

54.— Interpretation of Part II.

(1) In this Part—

"annulment" includes any decree or declarator of nullity of marriage, however expressed;

"the Council Regulation" means Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland;

"proceedings" means judicial or other proceedings.

(2) In this Part "country" includes a colony or other dependent territory of the United Kingdom but for the purposes of this Part a person shall be treated as a national of such a territory only if it has a law of citizenship or nationality separate from that of the United Kingdom and he is a citizen or national of that territory under that law.

A14

Female Genital Mutilation Act 2003

4A. Anonymity of victims

Schedule 1 provides for the anonymity of persons against whom a female genital mutilation offence (as defined in that Schedule) is alleged to have been committed.

SCHEDULE 1 ANONYMITY OF VICTIMS

Prohibition on the identification of victims in publications

1

- (1) This paragraph applies where an allegation has been made that a female genital mutilation offence has been committed against a person.
- (2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person's lifetime.
- (3) For the purposes of this Schedule, any consent of the person to an act giving rise to the alleged offence is not to be taken as preventing that person from being regarded as a person against whom the alleged offence was committed.
- (4) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all in England and Wales and Northern Ireland, or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.
- (5) The first condition is that the conduct of a person's defence at a trial of a female genital mutilation offence would be substantially prejudiced if the direction was not given.
- (6) The second condition is that—
- (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
- (b) it is in the public interest to remove or relax the restriction.
- (7) A direction under sub-paragraph (4) does not affect the operation of sub-paragraph (2) at any time before the direction is given.
- (8) In this paragraph "the court" means—
- (a) in England and Wales, a magistrates' court or the Crown Court;
- (b) in Northern Ireland, a magistrates' court, a county court or the Crown Court.

Penalty for breaching prohibition imposed by paragraph 1(2)

2

- (1) If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (3) The persons responsible for a publication are as follows—
- | Type of publication | Persons responsible |
|-------------------------------|--|
| Newspaper or other periodical | Any person who is a proprietor, editor or publisher of the newspaper or periodical. |
| Relevant programme | Any person who—
(a) is a body corporate engaged in providing the programme service in which the programme is included, or
(b) has functions in relation to the programme corresponding to those of an editor of a newspaper. |
| Any other kind of publication | Any person who publishes the publication. |
- (4) If an offence under this paragraph is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a senior officer of a body corporate, or
- (b) a person purporting to act in such a capacity,
- the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) "Senior officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate; and for this purpose "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (6) Proceedings for an offence under this paragraph—
- (a) if alleged to have been committed in England and Wales, may not be instituted except by, or with the consent of, the Attorney General;
- (b) if alleged to have been committed in Northern Ireland, may not be instituted except by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.

Offence under paragraph 2: defences

3

- (1) This paragraph applies where a person ("the defendant") is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.
- (2) It is a defence for the defendant to prove that at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—
- (a) the publication included the matter in question, or
- (b) the allegation in question had been made.
- (3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.
- (4) The defence in sub-paragraph (3) is not available if—
- (a) the victim was under the age of 16 at the time when her consent was given, or
- (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining her consent.
- (5) In this paragraph "the victim" means the person against whom the female genital mutilation offence in question is alleged to have been committed.

Special rules for providers of information society services

4

- (1) Paragraph 2 applies to a domestic service provider who, in the course of providing information society services, publishes prohibited matter in an EEA state other than the United Kingdom (as well as to a person, of any description, who publishes prohibited matter in England and Wales or Northern Ireland).
- (2) Proceedings for an offence under paragraph 2, as it applies to a domestic service provider by virtue of sub-paragraph (1), may be taken at any place in England and Wales or Northern Ireland.
- (3) Nothing in this paragraph affects the operation of any of paragraphs 6 to 8.

5

- (1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.
- (2) The derogation condition is that taking proceedings—
- (a) is necessary for the purposes of the public interest objective,
- (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
- (c) is proportionate to that objective.
- (3) "The public interest objective" means the pursuit of public policy.

6

- (1) A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—
- (a) initiate the transmission,
- (b) select the recipient of the transmission, or
- (c) select or modify the information contained in the transmission.
- (2) For the purposes of sub-paragraph (1)—
- (a) providing access to a communication network, and
- (b) transmitting information in a communication network,
- include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

7

- (1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.
- (2) The first condition is that the storage of the information—
- (a) is automatic, intermediate and temporary, and

(b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.

(3) The second condition is that the service provider—

(a) does not modify the information,

(b) complies with any conditions attached to having access to the information, and

(c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

8

(1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if—

(a) the service provider had no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or

(b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.

(2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

9

(1) In this Schedule—

"domestic service provider" means a service provider established in England and Wales or Northern Ireland;

"the E-Commerce Directive" means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

"female genital mutilation offence" means—

(a) an offence under section 1, 2, 3 or 3A;

(b) an offence of attempt or conspiracy to commit any such offence;

(c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to any such offence;

"information society services" —

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering "any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service";

"non-UK service provider" means a service provider established in an EEA state other than the United Kingdom;

"programme service" has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

"prohibited material" means any material the publication of which contravenes paragraph 1(2);

"publication" includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

"recipient", in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

"relevant programme" means a programme included in a programme service;

"service provider" means a person providing an information society service.

(2) For the purposes of the definition of "publication" in sub-paragraph (1)—

(a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;

(b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.

(3) For the purposes of the definitions of "domestic service provider" and "non-UK service provider" in sub-paragraph (1)—

(a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

(c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service."

A15

Human Fertilisation and Embryology Act 1990

See caveat H.

Act implements:

EU Directive 2006/17 on certain technical requirements for the donation, procurement and testing of human tissues and cells
EU Directive 2012/39 on the testing of human tissues and cells

1A Reference to Directives

In this Act--

"the first Directive" means Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells,

"the second Directive" means Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells, as amended by Commission Directive 2012/39/EU, and

"the third Directive" means Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells, as amended by Commission Directive 2015/565/EU, and

"the fourth Directive" means Commission Directive 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells.

2 Other terms

(1) In this Act--

the Authority means the Human Fertilisation and Embryology Authority established under section 5 of this Act,

basic partner treatment services means treatment services that are provided for a woman and a man to gether without using--

(a) the gametes of any other person, or

(b) embryos created outside the woman's body,

competent authority, in relation to an EEA state other than the United Kingdom or in relation to Gibraltar, means an authority designated in accordance with the law of that state or territory as responsible for implementing the requirements of the first, second and third and fourth Directives,

directions means directions under section 23 of this Act,

distribution, in relation to gametes or embryos intended for human application, means transportation or delivery to any person in or outside the United Kingdom for human application, and related terms are to be interpreted accordingly,

human application means use in a human recipient,

licence means a licence under Schedule 2 to this Act and, in relation to a licence, "the person responsible" has the meaning given by section 17 of this Act,

non-medical fertility services means any services that are provided, in the course of a business, for the purpose of assisting women to carry children, but are not medical, surgical or obstetric services,

nuclear DNA, in relation to an embryo, includes DNA in the pronucleus of the embryo,

processing, in relation to gametes or embryos intended for human application, means any operation involved in their preparation, manipulation or packaging, and related terms are to be interpreted accordingly,

procurement, in relation to gametes or embryos intended for human application, means any process by which they are made available, and related terms are to be interpreted accordingly,

serious adverse event means--

(a) any untoward occurrence which may be associated with the procurement, testing, processing, storage or distribution of gametes or embryos intended for human application and which, in relation to a donor of gametes or a person who receives treatment services or non-medical fertility services--

(i) might lead to the transmission of a communicable disease, to death, or life-threatening, disabling or incapacitating conditions, or

(ii) might result in, or prolong, hospitalisation or illness, or

(b) any type of gametes or embryo misidentification or mix-up,

serious adverse reaction means an unintended response, including a communicable disease, in a donor of gametes intended for human application or a person who receives treatment services or non-medical fertility services, which may be associated with the procurement or human application of gametes or embryos and which is fatal, life-threatening, disabling, incapacitating or which results in, or prolongs, hospitalisation or illness,

store, in relation to gametes, embryos or human admixed embryos, means preserve, whether by cryo-preservation or in any other way, and "storage" and "stored" are to be interpreted accordingly,

traceability means the ability--

(a) to identify and locate gametes and embryos during any step from procurement to use for human application or disposal,

(b) to identify the donor and recipient of particular gametes or embryos,

(c) to identify any person who has carried out any activity in relation to particular gametes or embryos, and

(d) to identify and locate all relevant data relating to products and materials coming into contact with particular gametes or embryos and which can affect their quality or safety, and

treatment services means medical, surgical or obstetric services provided to the public or a section of the public for the purpose of assisting women to carry children.

(2) References in this Act to keeping, in relation to embryos, gametes or human admixed embryos, include keeping while preserved in storage.

(2A) For the purposes of this Act, a person who, from any premises, controls the provision of services for transporting gametes or embryos to any person in or outside the United Kingdom for human application is to be taken to distribute gametes or embryos on those premises.

(2B) In this Act, any reference to a requirement of a provision of the first, second or third or fourth Directive is a reference to a requirement which that provision requires to be imposed.

(3) For the purposes of this Act, a woman is not to be treated as carrying a child until the embryo has become implanted.

2A Third party agreements

(1) For the purposes of this Act, a "third party agreement" is an agreement in writing between a person who holds a licence and another person which is made in accordance with any licence conditions imposed by the Authority for the purpose of securing compliance with the requirements of Article 24 of the first Directive (relations between tissue establishments and third parties) and under which the other person--

(a) procures, tests or processes gametes or embryos (or both), on behalf of the holder of the licence, or

(b) supplies to the holder of the licence any goods or services (including distribution services) which may affect the quality or safety of gametes or embryos.

(2) In this Act--

relevant third party premises, in relation to a licence, means any premises (other than premises to which the licence relates)--

(a) on which a third party procures, tests, processes or distributes gametes or embryos on behalf of any person in connection with activities carried out by that person under a licence, or

(b) from which a third party provides any goods or services which may affect the quality or safety of gametes or embryos to any person in connection with activities carried out by that person under a licence;

third party means a person with whom a person who holds a licence has a third party agreement.

(3) References in this Act to the persons to whom a third party agreement applies are to--

(a) the third party,

(b) any person designated in the third party agreement as a person to whom the agreement applies, and

(c) any person acting under the direction of a third party or of any person so designated.

2B Meaning of "importing licensee", "third country premises" etc

(1) This section applies for the purposes of this Act.

(2) "Importing licensee" means a person--

(a) to whom a licence applies, and

(b) who is authorised by directions under section 24(4) to import qualifying gametes or embryos into the United Kingdom from a third country.

(3) "Qualifying gametes or embryos" means gametes or embryos intended for human application.

(4) "Third country" means a country which is not an EEA state or Gibraltar.

(5) Premises are "third country premises" if--

(a) they are in a third country, and

(b) they are premises on, or from which, a third country supplier or a person providing services to a third country supplier procures, tests, processes, stores, distributes or exports qualifying gametes or embryos intended for import into the United Kingdom.

(6) "Third country supplier" means a person in a third country who has an agreement with an importing licensee for exporting qualifying gametes or embryos intended for import into the United Kingdom.

....

8 General functions of the Authority

(1) The Authority shall--

(a) keep under review information about embryos and any subsequent development of embryos and about the provision of treatment services and activities governed by this Act, and advise the Secretary of State, if he asks it to do so, about those matters,

(b) publicise the services provided to the public by the Authority or provided in pursuance of licences,

(c) provide, to such extent as it considers appropriate, advice and information for persons to whom licences apply or who are receiving treatment services or providing gametes or embryos for use for the purposes of activities governed by this Act, or may wish to do so, . . .

(ca) maintain a statement of the general principles which it considers should be followed--

- (i) in the carrying-on of activities governed by this Act, and
- (ii) in the carrying-out of its functions in relation to such activities,
- (cb) promote, in relation to activities governed by this Act, compliance with--
 - (i) requirements imposed by or under this Act, and
 - (ii) the code of practice under section 25 of this Act, and
 - (d) perform such other functions as may be specified in regulations.
- (2) The Authority may, if it thinks fit, charge a fee for any advice provided under subsection (1)(c).

82A Duties in relation to carrying out its functions

- (1) The Authority must carry out its functions effectively, efficiently and economically.
- (2) In carrying out its functions, the Authority must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed).

82B Duties of the Authority in relation to application of the Single European Code

- (1) The Authority must allocate to each holder of a relevant licence, one or more unique numbers as the tissue establishment number or numbers in relation to that licence holder in accordance with Annex VII and paragraph 2 (a) of Article 10b of the third Directive.
- (2) Any number allocated under subsection (1) must be in the format specified in Annex VII.
- (3) The Authority must, in relation to each holder of a relevant licence, arrange for the information specified in Annex VIII to be recorded in the EU Tissue Establishment Compendium.
- (4) In relation to a person who becomes the holder of a relevant licence before 1st April 2018, the Authority must ensure that the information under subsection (3) is recorded before the end of the period of 10 working days beginning with that day.
- (5) In relation to a person who becomes the holder of a relevant licence on or after 1st April 2018, the Authority must ensure that the information under subsection (3) is recorded before the end of the period of 10 working days beginning with the day on which the person becomes the holder of that licence.
- (6) Subsection (7) applies if the Authority becomes aware that any information recorded under subsection (3) was incorrectly recorded or requires updating.
- (7) The Authority must arrange for the information to be corrected or updated--
 - (a) in the case of a correction or update which the Authority considers to be a significant change to the information recorded under subsection (3), before the end of the period of 10 working days beginning with the day on which the Authority became aware that the information was incorrectly recorded or required updating;
 - (b) in any other case, as soon as is reasonably practicable.
- (8) Subsection (9) applies if the Authority becomes aware that--
 - (a) any information recorded in the EU Tissue Establishment Compendium in respect of a tissue establishment in a relevant state was incorrectly recorded or requires updating, or
 - (b) a tissue establishment in a relevant state has not complied with the requirements of the laws or other measures adopted in that state for the purpose of implementing paragraph 1 of Article 10b of the third Directive and the non-compliance is significant.
- (9) The Authority must inform the competent authority in the relevant state in question.
- (10) If the Authority becomes aware that the information recorded in the EU Tissue and Cell Product Compendium requires updating, it must inform the European Commission and the competent authority in the relevant state.
- (11) In this section--

Annex VII means Annex VII to the third Directive,

Annex VIII means Annex VIII to the third Directive,

EU Tissue and Cell Product Compendium and "EU Tissue Establishment Compendium" have the same meaning as in Article 2 of the third Directive,

relevant licence means a licence granted under any of the following provisions of Schedule 2--

- (a) paragraph 1,
 - (b) paragraph 1A,
 - (c) paragraph 2, so far as authorising the storage of gametes or embryos intended for human application,
 - (d) paragraph 3, so far as authorising activities in connection with the derivation from embryos of stem cells that are intended for human application,
- relevant state means--

- (a) an EEA state other than the United Kingdom, or
- (b) Gibraltar,

working day means any day other than--

- (a) a Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

8A Duty of Authority to communicate with competent authorities of other EEA states

The Authority shall communicate to the competent authorities of EEA states other than the United Kingdom or of Gibraltar, and to the European Commission, such information in relation to serious adverse events and serious adverse reactions as is necessary for the purpose of enabling appropriate action to be taken, including where necessary the withdrawal from use of gametes and embryos that are intended for human application but are known or suspected to be unsuitable for such application.

8B Agency arrangements and provision of services

- (1) Arrangements may be made between the Authority and a government department, a public authority or the holder of a public office ("the other authority") for--
 - (a) any functions of the Authority to be exercised by, or by members of the staff of, the other authority, or
 - (b) the provision by the other authority of administrative, professional or technical services to the Authority.
- (2) Arrangements under subsection (1)(a) do not affect responsibility for the carrying-out of the Authority's functions.
- (3) Subsection (1)(a) does not apply to any function of making subordinate legislation (within the meaning of the Interpretation Act 1978).

8C Contracting out functions of Authority

- (1) This section applies to any function of the Authority other than--
 - (a) any function which, by virtue of any enactment, may be exercised only by members of the Authority,
 - (b) a function excluded from this section by subsection (2), or
 - (c) a function excluded from this section by the Secretary of State by order.
- (2) A function is excluded from this section if--
 - (a) it relates to the grant, revocation or variation of any licence,
 - (b) it is a power or right of entry, search or seizure into or of any property, or
 - (c) it is a function of making subordinate legislation (within the meaning of the Interpretation Act 1978).
- (3) The Authority may make arrangements with any person ("the authorised person") for the exercise by that person, or by the employees of that person, of any function of the Authority to which this section applies.
- (4) Any arrangements made by the Authority under this section--
 - (a) may be revoked at any time by the Authority, and
 - (b) do not prevent the Authority from exercising any function to which the arrangements relate.
- (5) Subject to subsection (6), anything done or omitted to be done by or in relation to the authorised person (or an employee of the authorised person) in, or in connection with, the exercise or purported exercise of any function to which the arrangements relate is to be treated for all purposes as done or omitted to be done by or in relation to the Authority.
- (6) Subsection (5) does not apply--
 - (a) for the purposes of so much of any contract between the authorised person and the Authority as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or any employee of the authorised person).
- (7) Section 38A(2) of this Act (which relates to the keeping of embryos, human admixed embryos and gametes) applies in relation to the authorised person or any employee of the authorised person, when exercising functions of the Authority, as it applies in relation to any member or employee of the Authority exercising functions as member or employee.

8D Disclosure of information where functions of Authority exercised by others

- (1) This section applies to--
 - (a) the Authority,
 - (b) any public authority or other person exercising functions of the Authority by virtue of section 8B,
 - (c) any member of staff of any person falling within paragraph (b),
 - (d) any person exercising functions of the Authority by virtue of section 8C,
 - (e) an employee of any person falling within paragraph (d), or
 - (f) any person engaged by the Authority to provide services to the Authority.
- (2) No obligation of confidence is to prevent the disclosure of information by a person to whom this section applies to another such person if the disclosure is necessary or expedient for the purposes of the exercise of any function of the Authority.

8E Power to assist other public authorities

- (1) The Authority may if it thinks it appropriate to do so provide assistance to any other public authority in the United Kingdom for the purpose of the exercise by that authority of its functions.

- (2) Assistance provided by the Authority under this section may be provided on such terms, including terms as to payment, as it thinks fit.

9A Power to delegate and establish committees

- (1) The Authority may delegate a function to a committee, to a member or to staff.
- (2) The Authority may establish such committees or sub-committees as it thinks fit (whether to advise the Authority or to exercise a function delegated to it by the Authority).
- (3) Subject to any provision made by regulations under section 20A (appeals committees), the members of the committees or sub-committees may include persons who are not members of the Authority.
- (4) Subsection (1) has effect subject to any enactment requiring a decision to be taken by members of the Authority or by a committee consisting of members of the Authority.

...

14 Conditions of storage licences

- (1) The following shall be conditions of every licence authorising the storage of gametes, embryos or human admixed embryos--
- (a) that gametes of a person shall be placed in storage only if--
- (i) received from that person,
- (ii) acquired in circumstances in which by virtue of paragraph 9 or 10 of Schedule 3 that person's consent to the storage is not required, or
- (iii) acquired from a person to whom a licence or third party agreement applies,
- (aa) that an embryo taken from a woman shall be placed in storage only if--
- (i) received from that woman, or
- (ii) acquired from a person to whom a licence or third party agreement applies,
- (ab) that an embryo the creation of which has been brought about in vitro otherwise than in pursuance of that licence shall be placed in storage only if acquired from a person to whom a licence or third party agreement applies,
- (ac) that a human admixed embryo the creation of which has been brought about in vitro otherwise than in pursuance of that licence shall be placed in storage only if acquired from a person to whom a licence under paragraph 2 or 3 of Schedule 2 applies,
- (b) that gametes or embryos which are or have been stored shall not be supplied to a person otherwise than in the course of providing treatment services unless that person is a person to whom a licence applies, (ba) that human admixed embryos shall not be supplied to a person unless that person is a person to whom a licence applies,
- (c) that no gametes or embryos, embryos or human admixed embryos shall be kept in storage for longer than the statutory storage period and, if stored at the end of the period, shall be allowed to perish, and
- (d) that such information as the Authority may specify in directions as to the persons whose consent is required under Schedule 3 to this Act, the terms of their consent and the circumstances of the storage and as to such other matters as the Authority may specify in directions shall be included in the records maintained in pursuance of the licence.
- (2) No information shall be removed from any records maintained in pursuance of such a licence before the expiry of such period as may be specified in directions for records of the class in question.
- (3) The statutory storage period in respect of gametes is such period not exceeding ten years as the licence may specify.
- (4) The statutory storage period in respect of embryos is such period not exceeding ten years as the licence may specify.
- (4A) The statutory storage period in respect of human admixed embryos is such period not exceeding ten years as the licence may specify.
- (5) Regulations may provide that subsection (3), (4) or (4A) above shall have effect as if for ten years . . . there were substituted--
- (a) such shorter period, or
- (b) in such circumstances as may be specified in the regulations, such longer period,
- as may be specified in the regulations.

14A Conditions of licences: human application

- (1) This section applies to--
- (a) every licence under paragraph 1 or 1A of Schedule 2, . . .
- (b) every licence under paragraph 2 of that Schedule, so far as authorising storage of gametes or embryos intended for human application, and
- (c) every licence under paragraph 3 of that Schedule, so far as authorising activities in connection with the derivation from embryos of stem cells that are intended for human application.
- (2) A licence to which this section applies may not authorise the storage, procurement, testing, processing or distribution of gametes or embryos unless it contains the conditions required by Schedule 3A.
- (3) In relation to any gametes or embryos imported into the United Kingdom from an EEA state other than the United Kingdom or from Gibraltar, compliance with the requirements of the laws or other measures adopted in the relevant state or territory for the purpose of implementing the first, second and third Directives shall be taken to be compliance with the conditions required by Schedule 3A.
- (4) Subsection (3) shall not apply to any licence conditions imposed by the Authority which amount to more stringent protective measures for the purposes of Article 4(2) of the first Directive.

.....

15 Conditions of research licences

- (1) The following shall be conditions of every licence under paragraph 3 of Schedule 2 to this Act.
- (2) The records maintained in pursuance of the licence shall include such information as the Authority may specify in directions about such matters as the Authority may so specify.
- (3) No information shall be removed from any records maintained in pursuance of the licence before the expiry of such period as may be specified in directions for records of the class in question.
- (4) No embryo appropriated for the purposes of any project of research shall be kept or used other-wise than for the purposes of such a project.
- (5) If by virtue of paragraph 20 of Schedule 3 (existing cells or cell lines) qualifying cells, as defined by paragraph 20(2) of that Schedule, of a person ("P") are used to bring about the creation in vitro of an em-bryo or human admixed embryo without P's consent, steps shall be taken to ensure that the embryo or hu-man admixed embryo cannot subsequently be attributed to P.

15A Duties of the Authority in relation to serious adverse events and serious adverse reactions

- (1) The Authority shall investigate serious adverse events and serious adverse reactions and take appropriate control measures.
- (2) In investigating any serious adverse event or serious adverse reaction, the Authority shall, where it is appropriate to do so, arrange for--
- (a) any premises to which a licence relates and any relevant third party premises to be inspected on its behalf, and
- (b) a report on the inspection to be made to it.
- (3) If the Authority receives a request from a competent authority in an EEA state other than the United Kingdom or in Gibraltar to carry out an inspection in relation to a serious adverse event or serious adverse reaction, the Authority must arrange for such an inspection to be carried out, for a report to be made of the inspection and for appropriate control measures to be taken.

15B Inspections of third country premises etc

- (1) This section applies where--
- (a) qualifying gametes or embryos are imported into the United Kingdom from a third country by an importing licensee,
- (b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and
- (c) the competent authority in that state or in Gibraltar requests the Authority to carry out any of the following activities--
- (i) arranging for an inspection of any third country premises to be carried out on behalf of the Authority,
- (ii) arranging for an inspection of any relevant documents held by a third country supplier to be carried out on behalf of the Authority,
- (iii) exercising the Authority's powers under section 18(2) to revoke a licence held by an importing licensee,
- (iv) exercising the Authority's powers under section 18A(3) to vary a licence held by an importing licensee,
- (v) exercising the Authority's powers under section 19C(1) to suspend a licence held by an importing licensee, and
- (vi) other appropriate control measures.
- (2) The Authority must carry out the activity in question in subsection (1)(c), unless it considers that it would be inappropriate to do so in the particular circumstances of the case.
- (3) Before an inspection of any premises is carried out in pursuance of subsection (2), the Authority must--
- (a) make arrangements with the competent authority which made the request under subsection (1) for it to participate in the inspection, or
- (b) notify the competent authority which made the request under subsection (1) that the Authority has decided that it is not appropriate for it to participate in the inspection and give reasons for that decision.
- (4) For the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act, the Authority may arrange for either or both of the following to be to be carried out on its behalf--
- (a) an inspection of any third country premises,
- (b) an inspection of any relevant documents held by a third country supplier.
- (5) The Authority may arrange for a report to be made on any inspection carried out in pursuance of subsection (2) or (4).
- (6) Any inspection carried out on behalf of the Authority in pursuance of subsection (2) or (4) must be carried out by a person authorised by the Authority to act for the purposes of this section.
- (7) References in this section to carrying out an inspection of any premises include, in particular--
- (a) inspecting any equipment found on the premises,
- (b) inspecting and taking copies of any relevant documents or records found on the premises, and
- (c) observing the carrying on of any activity relevant to ascertaining whether qualifying gametes or em-bryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.
- (8) In this section, "relevant document" means a document relevant for the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.

15C Third country premises and third country suppliers: report of inspections etc

- (1) This section applies where the European Commission or a competent authority in an EEA state oth-er than the United Kingdom or in Gibraltar requests the Authority to provide it with--
- (a) a copy of a report or information on any inspection of third country premises or relevant documents carried out in pursuance of section 15B(2) or (5),

- (b) information on any exercise of the Authority's powers under section 18(2), 18A(3) or 19C(1) in relation to a licence held by an importing licensee (whether in pursuance of section 15B(2) or otherwise), or
- (c) information on any appropriate control measures carried out by the Authority (whether in pursuance of section 15B(2) or otherwise).
- (2) The Authority must provide the report or information in question to the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.

....

24 Directions as to particular matters

- (1) If, in the case of any information about persons for whom treatment services, other than basic partner treatment services, were provided, the person responsible does not know that any child was born following the treatment, the period specified in directions by virtue of section 13(4) of this Act shall not expire less than 50 years after the information was first recorded.
- (2) In the case of every licence under paragraph 1 or 1A of Schedule 2 to this Act, directions shall require information to be recorded and given to the Authority about each of the matters referred to in section 13(2)(a) to (e) of this Act.
- (3) In relation to gametes or embryos that are not intended for human application, directions may authorise, in such circumstances and subject to such conditions as may be specified in the directions, the keeping, by or on behalf of a person to whom a licence applies, of gametes or embryos in the course of their carriage to or from any premises.
- (3A) In relation to gametes and embryos that are intended for human application, directions may authorise the keeping of gametes or embryos by or on behalf of a person to whom a licence applies, in the course of their carriage--
 - (a) between premises to which licences relate,
 - (b) between such premises and relevant third party premises,
 - (c) between premises referred to in paragraphs (a) and (b) and tissue establishments accredited, designated, authorised or licensed under the laws, or other measures, of an EEA state other than the United Kingdom or of Gibraltar which implement the first, second and third Directives, or
 - (d) between premises referred to in paragraphs (a) and (b) and tissue establishments in a country which is not an EEA state, pursuant to directions given under subsection (4),
 in such circumstances and subject to such conditions as may be specified in the directions.
- (3B) Directions may authorise, in such circumstances and subject to such conditions as may be specified in the directions, the keeping, by or on behalf of a person to whom a licence applies, of human admixed embryos in the course of their carriage to or from any premises.
- (4) Directions may authorise any person to whom a licence applies to receive gametes embryos or human admixed embryos from outside the United Kingdom or to send gametes, embryos or human admixed embryos outside the United Kingdom in such circumstances and subject to such conditions as may be specified in the directions, and directions made by virtue of this subsection may provide for sections 12 to 14 of this Act to have effect with such modifications as may be specified in the directions.
- (4A) In giving any directions under subsection (4) authorising any person to whom a licence applies to import into the United Kingdom from a country which is not an EEA state, or to export from the United Kingdom to such a country export from the United Kingdom to a third country], gametes or embryos intended for human application, the Authority shall--
 - (a) include directions specifying the measures that persons to whom a licence applies shall take to ensure that all such imports or exports meet standards of quality and safety equivalent to those laid down in this Act, and
 - (b) have regard to ensuring traceability.
- (4AA) Directions must, in accordance with paragraph 1 of Schedule 3AA, specify requirements with which any person to whom a licence applies who proposes to make qualifying imports (other than a one-off import) must comply before the Authority gives any directions under subsection (4) authorising the person to make qualifying imports.
- (4AB) Directions must, in accordance with paragraph 2 of Schedule 3AA, specify requirements with which any person to whom a licence applies who proposes to make a qualifying import which is a one-off import must comply before the Authority gives any directions under subsection (4) authorising the person to make the import.
- (4AC) In giving any directions under subsection (4) authorising any person to whom a licence applies to make any qualifying imports, the Authority must include the directions specified in paragraph 3 of Schedule 3AA.
- (4AD) Where the Authority gives any directions under subsection (4) authorising any person to whom a licence applies to make any qualifying imports, it must provide that person with a certificate in the form set out in Annex II to the fourth Directive.
- (4AE) In subsections (4AA) and (4AB) a reference to a one-off import, in relation to gametes or embryos, is to gametes or embryos imported for the purposes of providing services to a particular person or persons on one occasion only.
- (4AF) In subsections (4AA) to (4AD) and Schedule 3AA "qualifying import" means the import into the United Kingdom from a third country of gametes or embryos intended for human application.
- (4B) Regulations may make provision requiring or authorising the giving of directions in relation to particular matters which are specified in the regulations and relate to activities falling within section 4A(2) (activities involving genetic material of animal origin).
- (5A) Directions may make provision for the purpose of dealing with a situation arising in consequence of--
 - (a) the variation of a licence, or
 - (b) a licence ceasing to have effect.
- (5B) Directions under subsection (5A)(a) may impose requirements--
 - (a) on the holder of the licence,
 - (b) on the person who is the person responsible immediately before or immediately after the variation, or
 - (c) on any other person, if that person consents.
- (5C) Directions under subsection (5A)(b) may impose requirements--
 - (a) on the person who holds the licence immediately before the licence ceases to have effect,
 - (b) on the person who is the person responsible at that time, or
 - (c) on any other person, if that person consents.
- (5D) Directions under subsection (5A) may, in particular, require anything kept, or information held, in pursuance of the licence to be transferred in accordance with the directions.
- (5E) Where a licence has ceased to have effect by reason of the death or dissolution of its holder, anything subsequently done by a person before directions are given under subsection (5A) shall, if the licence would have been authority for doing it, be treated as authorised by a licence.
- (11) Where the Authority proposes to give directions specifying any animal for the purposes of paragraph 1(1)(f) or 3(2) of Schedule 2 to this Act, it shall report the proposal to the Secretary of State; and the directions shall not be given until the Secretary of State has laid a copy of the report before each House of Parliament.
- (12) Directions may require a unique code to be assigned to each donation of gametes and embryos intended for human application received pursuant to a licence.
- (12) Directions must specify the systems to be adopted for the identification of gametes and embryos intended for human application which the Authority considers appropriate to secure compliance with the requirements of --
 - (a) paragraph 1 of Article 25 of the first Directive (coding of information),
 - (b) paragraph 1 of Article 10 of the third Directive (European coding system), subject to any exemption specified in the directions in accordance with paragraph 3 of that Article,
 - (c) Article 10a of the third Directive (format of the Single European Code), and
 - (d) paragraph 1(a) to (f) and (h) of Article 10b of the third Directive (requirements related to the application of the Single European Code).
- (12A) Directions must require information to be provided to the Authority which the Authority considers appropriate to secure compliance with the requirements of paragraph 1(g) of Article 10b of the third Directive (European coding system).
- (13) The Authority may give directions as to the information to be provided to it and any measures to be taken by the person responsible in the event of--
 - (a) any occurrence which may adversely influence the quality or safety of gametes or embryos intended for human application,
 - (b) any adverse incident which may be linked to the quality or safety of gametes or embryos intended for human application, or
 - (c) any misidentification or mix-up of gametes or embryos intended for human application.
- (14) In this section, "tissue establishment" has the meaning given by Article 3(o) of the first Directive.

....

47 Index

The expressions listed in the left-hand column below are respectively defined or (as the case may be) are to be interpreted in accordance with the provisions of this Act listed in the right-hand column in relation to those expressions.

Expression

.....	
First Directive	Section 1A
Fourth Directive	Section 1A
.....	
Second Directive	Section 1A
.....	
Third country	Section 2B
.....	
Third Directive	Section 1A

SCHEDULE 1

THE AUTHORITY: SUPPLEMENTARY PROVISIONS

SCHEDULE 2

Activities for which licences may be granted

SCHEDULE 3

Consents to use or Storage of Gametes, Embryos or Human Admixed Embryos etc

.....

SCHEDULE 3A

SUPPLEMENTARY LICENCE CONDITIONS: HUMAN APPLICATION

Traceability and coding system

Section 14A 1

Licence conditions shall require that all persons to whom a licence applies adopt such systems as the Authority considers appropriate to secure--

- (a) in relation to traceability, compliance with the requirements of Article 8 (traceability) of the first Directive and Article 9 (traceability) of the third Directive, and
- (b) in relation to the coding of information, compliance with the requirements of Article 25 (coding of in-formation) of the first Directive and Article 10 (European coding system) of the third Directive.

Traceability system

1

Licence conditions shall require that all persons to whom a licence applies adopt such systems as the Authority considers appropriate to secure compliance with the requirements of Article 8 of the first Directive (traceability) and Article 9 of the third Directive (traceability).

2

Licence conditions imposed in accordance with paragraph 1 may specify the coding system which must be applied in relation to gametes and embryos intended for human application.

Serious adverse events and serious adverse reactions

3

Licence conditions shall require such--

- (a) systems to report, investigate, register and transmit information about serious adverse events and serious adverse reactions, and
 - (b) accurate, rapid and verifiable procedures for recalling from distribution any product which may be related to a serious adverse event or serious adverse reaction,
- to be in place as are necessary to secure compliance with the requirements of Article 11 (notification of serious adverse events and reactions) of the first Directive and Article 5 (notification of serious adverse reactions) and Article 6 (notification of serious adverse events) of the third Directive.

Third party agreements and termination of licensed activities

4

For the purpose of securing compliance with the requirements of Articles 21(5) (tissue and cell storage conditions) and 24 (relations between tissue establishments and third parties) of the first Directive, licence conditions shall specify the requirements that must be met in relation to the termination of storage activities authorised by the licence and in relation to third party agreements.

Requirements for procurement of gametes and embryos

5

Licence conditions shall require all persons to whom a licence applies who are authorised to procure gametes or embryos, or both, to comply with the requirements (including as to staff training, written agreements with staff, standard operating procedures, and appropriate facilities and equipment) laid down in Article 2 (requirements for the procurement of human tissues and cells) of the second Directive.

Selection criteria and laboratory tests required for donors of reproductive cells

6

In relation to partner-donated sperm which is not intended to be used without processing or storage, licence conditions shall require compliance with the selection criteria for donors and the requirements for laboratory tests laid down in section 2 (partner donation (not direct use)) of Annex III (selection criteria and laboratory tests required for donors of reproductive cells) to the second Directive.

7

In relation to donations of gametes or embryos other than partner-donated sperm or partner-created embryo-os, licence conditions shall require compliance with the selection criteria for donors and the requirements for laboratory tests laid down in section 3 (donations other than by partners) of Annex III to the second Directive.

8

Licence conditions shall require that the laboratory tests required by sections 2 and 3 of Annex III to the second Directive to be carried out for the purpose of selecting gametes or embryos for donation, meet the requirements of section 4 (general requirements to be met for determining biological markers) of Annex III to the second Directive.

Donation and procurement procedures and reception at the tissue establishment

9

In relation to--

- (a) donation and procurement procedures, and
- (b) the reception of gametes and embryos at the premises to which a licence relates or at relevant third party premises,

licence conditions shall require compliance with the requirements of Article 15(3) (selection, evaluation and procurement) and Article 19(4) to (6) (tissue and cell reception) of the first Directive and with the requirements laid down in the provisions of the second Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.

Relevant provisions of the second Directive

1 Donation and procurement procedures

Consent and donor identification (record of consent, method of identification, donor interview)

Annex IV, point 1.1

Donor evaluation: other than partner-donated sperm and partner-created embryos and autologous donors (assessment of donor's medical and behavioural information)

Annex IV, point 1.2

Procurement procedures for gametes and embryos (requirements relating to procurement procedures and instruments)

Annex IV, point 1.3

Donor documentation (record of donor and the procurement)

Annex IV, point 1.4

Packaging (requirements as to packaging and shipping containers)

Annex IV, point 1.5

Labelling of the procured gametes and embryos (minimum labelling requirements)

Annex IV, point 1.6

Labelling of the shipping container (minimum labelling requirements)

Annex IV, point 1.7

2 Reception of tissues and cells at the tissue establishment

Verification upon arrival (procedures for verification and requirement for quarantine until verification)

Annex IV, point 2.1 to 2.3

Registration of data (other than in respect of partner-donated sperm and partner-created embryos)

Annex IV, point 2.4

Registration of data (partner-donated sperm and partner-created embryos)

Annex IV, point 2.5

Requirements for holding a licence under paragraph 1, 1A or 2 of Schedule 2

10

Licence conditions shall require compliance with the requirements laid down in the provisions of the third Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.

Relevant provisions of the third Directives

Relevant provisions of the third Directive

Organisation and management (requirements as to organisational structure, management systems, and third party agreements)

Annex I, Part A

Personnel (number, competence, responsibilities and training)

Annex I, Part B

Equipment and materials (appropriate for use, validation, maintenance, and specifications)

Annex I, Part C

Facilities and premises (suitability, environment, storage, and maintenance)

Annex I, Part D

Documentation and records (standard operating procedures, document control, record reliability)

Annex I, Part E

Quality review (quality management system, investigations, corrective action, and reviews)

Annex I, Part F

Requirements for holding a licence for gametes and embryo preparation processes

11

In respect of gametes and embryos preparation processes, licence conditions shall require compliance with--

- (a) the requirements of Article 20(2) and (3) (tissue and cell processing) and Article 21(2) to (4) of the first Directive, and
- (b) the requirements laid down in the provisions of the third Directive listed in the right-hand column, the subject-matter of which are described in the left-hand column in respect of those provisions.

Reception of gametes and embryos at the tissue establishment

Annex II, Part A

Processing of gametes and embryos (validation, documentation and evaluation of critical procedures)

Annex II, Part B

Storage and release of gametes and embryos (criteria to be complied with, including standard operating procedure)
 Distribution and recall of gametes and embryos (criteria to be complied with, including procedures to be adopted)
 Final labelling of gametes and embryo containers for distribution (information to be shown on container label or in accompanying documentation)
 External labelling of the shipping container (information to be shown on label on shipping container)

Annex II, Part C
 Annex II, Part D
 Annex II, Part E
 Annex II, Part F

Interpretation of this Schedule

12

In this Schedule, "partner-created embryos" means embryos created using the gametes of a man and a woman who declare that they have an intimate physical relationship.

SCHEDULE 3AA

REQUIREMENTS WHERE GAMETES OR EMBRYOS IMPORTED FROM THIRD COUNTRY

1

A direction given under section 24(4AA) must require the person to whom the licence applies to--

- (a) comply with measures specified in the direction for the purposes of ensuring that any qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act,
- (b) provide the Authority with any information specified in the direction for the purposes of securing compliance with the requirements of Parts A to E of Annex I to the fourth Directive (information to be provided by importing tissue establishments),
- (c) provide the Authority with any documents specified in the direction for the purposes of securing compliance with the requirements of Part F of Annex I to the fourth Directive (documentation to be provided by importing tissue establishments),
- (d) do the following--
 - (i) make available for inspection any documents specified in the direction for the purposes of securing compliance with the requirements of Parts A and B of Annex III to the fourth Directive (availability and provision of documentation) and,
 - (ii) if requested by the Authority, provide the Authority with any such documents,
- (e) enter into a written agreement with any proposed third country supplier which complies with the requirements specified in the direction for the purposes of securing compliance with the requirements of Article 7(2) and (3) of the fourth Directive (written agreements), and
- (f) provide the Authority with a copy of the written agreement mentioned in sub-paragraph (e).

2

A direction given under section 24(4AB) must require the person to whom the licence applies to --

- (a) comply with measures specified in the direction for the purposes of ensuring that any qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act,
- (b) provide the Authority with any information specified in the direction for the purposes of securing compliance with the requirements of Parts A to E of Annex I to the fourth Directive (information to be provided by importing tissue establishments), and
- (c) provide the Authority with any information or documents specified in the direction for the purposes of securing compliance with the requirements of Articles 5(2) and 7(1) of the fourth Directive (requirements in relation to one-off imports).

3

The following requirements must be specified in directions under section 24(4) authorising any person to whom a licence applies to make any qualifying imports--

- (a) a requirement that the person must not make any substantial changes in connection with any qualifying imports made by the person unless the Authority approves those changes in writing,
- (b) a requirement that the person must notify the Authority if the person ceases to make qualifying imports,
- (c) a requirement that the person must--
 - (i) notify the Authority of any serious adverse events or serious adverse reactions notified to the person by the person's third country supplier (including events or reactions which that supplier suspects are serious adverse events or reactions), and
 - (ii) provide any information specified in the direction which the Authority requires for the purposes of securing compliance with the requirements of Article 6(2) of the fourth Directive (updated information), and
- (d) a requirement that the person must notify the Authority of any changes in circumstances of the person's third country supplier of which the person is aware.

4

In this Schedule--

changes of circumstances means any changes in circumstances of the description specified in the direction in question in accordance with the provision made in Article 6(3) of the fourth Directive (notification of revocation of third country's authorisation),

substantial changes means changes of the description specified in the direction in question in accordance with the provision as to the meaning of substantial changes made in Article 3(3) of the fourth Directive (requirements where substantial changes made to import activities).

SCHEDULE 3B

INSPECTION, ENTRY, SEARCH AND SEIZURE

Inspection of statutory records

1

- (1) A duly authorised person may require a person to produce for inspection any records which the person is required to keep by, or by virtue of, this Act.
- (2) Where records which a person is so required to keep are stored in any electronic form, the power under sub-paragraph (1) includes power to require the records to be made available for inspection--
 - (a) in a visible and legible form, or
 - (b) in a form from which they can be readily produced in a visible and legible form.
- (3) A duly authorised person may inspect and take copies of any records produced for inspection in pursuance of a requirement under this paragraph.

Inspection of documents held by an importing licensee

1A

- (1) This paragraph applies where--
 - (a) qualifying gametes or embryos are imported from a third country by an importing licensee,
 - (b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and
 - (c) the competent authority in that state or in Gibraltar requests the Authority to arrange for an inspection of any relevant documents held by an importing licensee to be carried out.
- (2) The Authority must arrange for an inspection of the documents in question to be carried out by a duly authorised person, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.
- (3) Where relevant documents are stored in any electronic form, a duly authorised person may require an importing licensee to make the documents available for inspection--
 - (a) in a visible and legible form, or
 - (b) in a form from which they can be readily produced in a visible and legible form.
- (4) A duly authorised person may take copies of any relevant documents inspected in pursuance of a requirement under this paragraph.
- (5) In this paragraph "relevant document" means a document relevant for the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.

Arranging inspections

2

- (1) Where a person--
 - (a) makes an enquiry to the Authority which concerns the making of a relevant application by that person, or
 - (b) has made a relevant application to the Authority which the Authority has not yet considered,
 the Authority may arrange for a duly authorised person to inspect any of the premises mentioned in sub-paragraph (3).
- (2) For the purposes of sub-paragraph (1) a "relevant application" means--
 - (a) an application for authorisation for a person to carry on an activity governed by this Act which the person is not then authorised to carry on, or
 - (b) an application for authorisation for a person to carry on any such activity on premises where the person is not then authorised to carry it on.
- (3) The premises referred to in sub-paragraph (1) are--
 - (a) the premises where any activity referred to in sub-paragraph (2) is to be carried on;
 - (b) any premises that will be relevant third party premises for the purposes of any application.
- (4) The power in sub-paragraph (1) is exercisable for purposes of the Authority's functions in relation to licences and third party agreements.

Entry and inspection of premises

3

- (1) A duly authorised person may at any reasonable time enter and inspect any premises to which a licence relates or relevant third party premises.
- (2) The power in sub-paragraph (1) is exercisable for purposes of the Authority's functions in relation to licences and third party agreements.

4

- (1) Subject to sub-paragraph (2), the Authority shall arrange for any premises to which a licence relates to be inspected under paragraph 3 by a duly authorised person at intervals not exceeding two years.
- (2) The Authority need not comply with sub-paragraph (1) where the premises in question have been inspected in pursuance of paragraph 2 or 3 at any point within the previous two years.

4A

- (1) This paragraph applies where--
 - (a) any activity governed by this Act is carried out in relation to qualifying gametes or embryos imported from a third country on any premises--
 - (i) to which a licence held by an importing licensee relates, or
 - (ii) which are relevant third party premises in relation to an importing licensee,
 - (b) the gametes or embryos are distributed in an EEA state other than the United Kingdom or in Gibraltar, and
 - (c) the competent authority in that state or in Gibraltar requests the Authority to arrange for an inspection of the premises to be carried out.
- (2) The Authority must arrange for an inspection of the premises in question to be carried out under paragraph 3 by a duly authorised person, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.
- (3) Before an inspection of any premises is carried out in pursuance of sub-paragraph (2) the Authority must--
 - (a) make arrangements with the requesting authority for it to participate in the inspection, or
 - (b) notify the requesting authority that the Authority has decided that it is not appropriate for the re-requesting authority to participate in the inspection and give reasons for that decision.
- (4) In this paragraph, "requesting authority" means the competent authority which made the request under sub-paragraph (1) for the Authority to arrange for the inspection to be carried out.]

Entry and search in connection with suspected offence

5

- (1) If a justice of the peace is satisfied on sworn information or, in Northern Ireland, on a complaint on oath that there are reasonable grounds for believing--
 - (a) that an offence under this Act is being, or has been committed on any premises, and
 - (b) that any of the conditions in sub-paragraph (2) is met in relation to the premises,the justice of the peace may by signed warrant authorise a duly authorised person, together with any constables, to enter the premises, if need be by force, and search them.
- (2) The conditions referred to are--
 - (a) that entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant under this paragraph has been given to the occupier;
 - (b) that the premises are unoccupied;
 - (c) that the occupier is temporarily absent;
 - (d) that an application for admission to the premises or the giving of notice of the intention to apply for a warrant under this paragraph would defeat the object of entry.
- (3) A warrant under this paragraph shall continue in force until the end of the period of 31 days beginning with the day on which it is issued.
- (4) In relation to Scotland--
 - (a) any reference in sub-paragraph (1) to a justice of the peace includes a reference to a sheriff, and
 - (b) the reference in that sub-paragraph to "on sworn information" is to be read as a reference to "by evidence on oath".

Execution of warrants

6

- (1) Entry and search under a warrant under paragraph 5 is unlawful if any of sub-paragraphs (2) to (4) and (6) is not complied with.
- (2) Entry and search shall be at a reasonable time unless the person executing the warrant thinks that the purpose of the search may be frustrated on an entry at a reasonable time.
- (3) If the occupier of the premises to which the warrant relates is present when the person executing the warrant seeks to enter them, the person executing the warrant shall--
 - (a) produce the warrant to the occupier, and
 - (b) give the occupier--
 - (i) a copy of the warrant, and
 - (ii) an appropriate statement.
- (4) If the occupier of the premises to which the warrant relates is not present when the person executing the warrant seeks to enter them, but some other person is present who appears to the person executing the warrant to be in charge of the premises, the person executing the warrant shall--
 - (a) produce the warrant to that other person,
 - (b) give that other person--
 - (i) a copy of the warrant, and
 - (ii) an appropriate statement, and
 - (c) leave a copy of the warrant in a prominent place on the premises.
- (5) In sub-paragraphs (3)(b)(ii) and (4)(b)(ii), the references to an appropriate statement are to a statement in writing containing such information relating to the powers of the person executing the warrant and the rights and obligations of the person to whom the statement is given as may be prescribed by regulations made by the Secretary of State.
- (6) If the premises to which the warrant relates are unoccupied, the person executing the warrant shall leave a copy of it in a prominent place on the premises.
- (7) Where the premises in relation to which a warrant under paragraph 5 is executed are unoccupied or the occupier is temporarily absent, the person executing the warrant shall when leaving the premises, leave them as effectively secured as the person found them.

Seizure in the course of inspection or search

7

- (1) A duly authorised person entering and inspecting premises under paragraph 3 may seize anything on the premises which the duly authorised person has reasonable grounds to believe may be required for--
 - (a) the purposes of the Authority's functions relating to the grant, revocation, variation or suspension of licences, or
 - (b) the purpose of taking appropriate control measures in the event of a serious adverse event or serious adverse reaction.
- (2) A duly authorised person entering or searching premises under a warrant under paragraph 5 may seize anything on the premises which the duly authorised person has reasonable grounds to believe may be required for the purpose of being used in evidence in any proceedings for an offence under this Act.
- (3) Where a person has power under sub-paragraph (1) or (2) to seize anything, that person may take such steps as appear to be necessary for preserving that thing or preventing interference with it.
- (4) The power under sub-paragraph (1) or (2) includes power to retain anything seized in exercise of the power for so long as it may be required for the purpose for which it was seized.
- (5) Where by virtue of sub-paragraph (1) or (2) a person ("P") seizes anything, P shall leave on the premises from which the thing was seized a statement giving particulars of what P has seized and stating that P has seized it.

Supplementary provision

8

- (1) Power under this Schedule to enter and inspect or search any premises includes power to take such other persons and equipment as the person exercising the power reasonably considers necessary.
- (2) Power under this Schedule to inspect or search any premises includes, in particular--
 - (a) power to inspect any equipment found on the premises,
 - (b) power to inspect and take copies of any relevant documents or records found on the premises, and
 - (c) in the case of premises to which a licence relates or premises which are relevant third party premises in relation to a licence, power to observe the carrying-on of the licensed activity on the premises.
- (3) Any power under this Schedule to enter, inspect or search premises includes power to require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power of entry, inspection or search to be exercised.
- (4) In this paragraph "relevant document" means a document relevant for the purposes of ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.

9

- (1) A person's right to exercise a power under this Schedule is subject to production of evidence of the person's entitlement to exercise it, if required.
- (2) As soon as reasonably practicable after having inspected premises in pursuance of arrangements made under paragraph 2 or after having exercised a power under this Schedule to inspect or search premises, the duly authorised person shall--
 - (a) prepare a written report of the inspection, or as the case may be, the inspection and search, and
 - (b) if requested to do so by the appropriate person, give the appropriate person a copy of the report.
- (3) In sub-paragraph (2), the "appropriate person" means--
 - (a) in relation to premises to which a licence relates, the person responsible, or
 - (b) in relation to any other premises, the occupier.

- (4) Sub-paragraph (5) applies if the European Commission or a competent authority in an EEA state other than the United Kingdom or in Gibraltar requests the Authority to provide it with a copy of a report or information on--
- (a) any inspection under paragraph 1 or 1A of records or documents,
 - (b) any inspection under paragraph 2 where the person to whom an application for authorisation relates also seeks a direction under section 24(4) authorising that person to import qualifying gametes or embryos into the United Kingdom from a third country, or
 - (c) any inspection under paragraph 3 of premises to which a licence held by an importing licensee relates or which are relevant third party premises in relation to an importing licensee.
- (5) The Authority must give a copy of the report or information to the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.

Enforcement

10

A person who--

- (a) fails without reasonable excuse to comply with a requirement under paragraph 1(1) or 8(3), or
- (b) intentionally obstructs the exercise of any right under this Schedule,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Interpretation

11

In this Schedule--

- (a) "duly authorised person", in the context of any provision, means a person authorised by the Authority to act for the purposes of that provision, and
- (b) "licensed activity", in relation to a licence, means the activity which the licence authorises to be carried on.]

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

.....

A16

Insolvency Act 1986

NOTE: There are many EU law provisions in this Act, but principally relating to company law. This review is limited to the sections which appears in the Red Book index (s.281(5), s.310, s.335A, s.339, s.340, s.421, s.439(2) and Sch 14), as the criteria for being family law relevant. s.436 has been included as the relevant interpretation clause.

421.— Insolvent estates of deceased persons

(1) The Lord Chancellor may, by order made with the concurrence of the Secretary of State and the Lord Chief Justice, provide that such provisions of this Act as may be specified in the order shall apply in relation to the administration of the insolvent estates of deceased persons with such modifications as may be so specified.

(1A) An order under this section may make provision in relation to the EU Regulation.

(1B) But provision made by virtue of this section in relation to the EU Regulation may not create an offence of a kind referred to in paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972.

(2) An order under this section may make different provision for different cases and may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor and the Lord Chief Justice necessary or expedient.

(3) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of this section the estate of a deceased person is insolvent if, when realised, it will be insufficient to meet in full all the debts and other liabilities to which it is subject.

(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

436. Expressions used generally.

(1) In this Act, except in so far as the context otherwise requires (and subject to Parts VII and XI)—

“agricultural charge” has the same meaning as in the Agricultural Credits Act 1928;

“agricultural receiver” means a receiver appointed under an agricultural charge;

“the appointed day” means the day on which this Act comes into force under section 443;

“associate” has the meaning given by section 435;

“body corporate” includes a body incorporated outside Great Britain, but does not include—

(a) a corporation sole, or

(b) a partnership that, whether or not a legal person, is not regarded as a body corporate under the law by which it is governed;

“business” includes a trade or profession;

“the Companies Acts” means the Companies Acts (as defined in section 2 of the Companies Act 2006) as they have effect in Great Britain;

“conditional sale agreement” and “hire-purchase agreement” have the same meanings as in the Consumer Credit Act 1974;

“corporate member” means an insolvent member which is a company;

“the court”, in relation to an insolvent partnership, means the court which has jurisdiction to wind up the partnership;

“distress” includes use of the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007, and references to levying distress, seizing goods and related expressions shall be construed accordingly;

“EEA State” means a state that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“employees’ share scheme” means a scheme for encouraging or facilitating the holding of shares in or debentures of a company by or for the benefit of—

(a) the bona fide employees or former employees of—

(i) the company,

(ii) any subsidiary of the company, or

(iii) the company’s holding company or any subsidiary of the company’s holding company, or

(b) the spouses, civil partners, surviving spouses, surviving civil partners, or minor children or step-children of such employees or former employees;

“the EU Regulation” means Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings;

“individual member” means an insolvent member who is an individual;

“insolvency order” means –

(a) in the case of an insolvent partnership or a corporate member, a winding-up order; and

(b) in the case of an individual member, a bankruptcy order

;

“insolvency petition” means , in the case of a petition presented to the court–

(a) against a corporate member, a petition for its winding up by the court;

(b) against an individual member, a petition for a bankruptcy order to be made against that individual,

where the petition is presented in conjunction with a petition for the winding up of the partnership by the court as an unregistered company under the Act;

“insolvency proceedings” means any proceedings under the Act, this Order or the Insolvency Rules 1986 5;

“insolvent member” means a member of an insolvent partnership, against whom an insolvency petition is being or has been presented;

“joint bankruptcy petition” means a petition by virtue of article 11 of this Order;

“joint debt” means a debt of an insolvent partnership in respect of which an order is made by virtue of Part IV or V of this Order;

“joint estate” means the partnership property of an insolvent partnership in respect of which an order is made by virtue of Part IV or V of this Order;

“joint expenses” means expenses incurred in the winding up of an insolvent partnership or in the winding up of the business of an insolvent partnership and the administration of its property;

“limited partner” has the same meaning as in the Limited Partnerships Act 1907;

“member” means a member of a partnership and any person who is liable as a partner within the meaning of section 14 of the Partnership Act 1890;

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“officer”, in relation to an insolvent partnership, means –

(a) a member; or

(b) a person who has management or control of the partnership business

;

“partnership property” has the same meaning as in the Partnership Act 1890;

“postponed debt” means a debt the payment of which is postponed by or under any provision of the Act or of any other enactment;

“property” includes money, goods, things in action, land and every description of property wherever situated and also obligations and every description of interest, whether present or future or vested or contingent, arising out of, or incidental to, property;

“records” includes computer records and other non-documentary records;

“responsible insolvency practitioner” means –

(a) in winding up, the liquidator of an insolvent partnership or corporate member; and

(b) in bankruptcy, the trustee of the estate of an individual member,

and in either case includes the official receiver when so acting;

“separate debt” means a debt for which a member of a partnership is liable, other than a joint debt;

“separate estate” means the property of an insolvent member against whom an insolvency order has been made;

“separate expenses” means expenses incurred in the winding up of a corporate member, or in the bankruptcy of an individual member;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978;

“transaction” includes a gift, agreement or arrangement, and references to entering into a transaction shall be construed accordingly; and

“trustee of the partnership” means a person authorised by order made by virtue of article 11 of this Order to wind up the business of an insolvent partnership and to administer its property.

(2) The following expressions have the same meaning in this Act as in the Companies Acts—

“articles”, in relation to a company (see section 18 of the Companies Act 2006);

“debenture” (see section 738 of that Act);

“holding company” (see sections 1159 and 1160 of, and Schedule 6 to, that Act);

“the Joint Stock Companies Acts” (see section 1171 of that Act);

“overseas company” (see section 1044 of that Act);

“paid up” (see section 583 of that Act);

“private company” and “public company” (see section 4 of that Act);

“registrar of companies” (see section 1060 of that Act);

“share” (see section 540 of that Act);

“subsidiary” (see sections 1159 and 1160 of, and Schedule 6 to, that Act).

A17

Legal Aid, Sentencing and Punishment of Offenders Act 2012

Part 1 SERVICES

17 EU and international agreements concerning children

(1) Civil legal services provided in relation to—

- (a) an application made to the Lord Chancellor under the 1980 European Convention on Child Custody for the recognition or enforcement in England and Wales of a decision relating to the custody of a child;
- (b) an application made to the Lord Chancellor under the 1980 Hague Convention in respect of a child who is, or is believed to be, in England and Wales;
- (c) the recognition or enforcement of a judgment in England and Wales in accordance with Article 21, 28, 41, 42 or 48 of the 2003 Brussels Regulation.

Exclusions

(2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.

Definitions

(3) In this paragraph—

"the 1980 European Convention on Child Custody" means the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children which was signed in Luxembourg on 20 May 1980;

"the 1980 Hague Convention" means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25 October 1980;

"the 2003 Brussels Regulation" means Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

(4) For the purposes of this paragraph, an application is made to the Lord Chancellor if it is addressed to the Lord Chancellor or transmitted to the Lord Chancellor in accordance with section 3 or 14 of the Child Abduction and Custody Act 1985.

18 EU and international agreements concerning maintenance

(1) Civil legal services provided in relation to an application under the following for the recognition or enforcement in England and Wales of a maintenance order—

- (a) the 1968 Brussels Convention;
- (b) the 1973 Hague Convention;
- (c) the 1989 Lugano Convention;
- (d) the 2000 Brussels Regulation;
- (e) the 2007 Lugano Convention.

(2) Civil legal services provided in relation to an application under Article 56 of the EU Maintenance Regulation (applications relating to maintenance decisions).

(3) Civil legal services provided to an individual in relation to proceedings in England and Wales relating to the recognition, enforceability or enforcement of a maintenance decision in circumstances in which the individual falls within Article 47(2) or (3) of the EU Maintenance Regulation (parties who benefited from free legal aid etc in Member State of origin).

(3A) Civil legal services provided in relation to an application under Article 10 of the 2007 Hague Convention (applications relating to maintenance decisions).

(3B) Civil legal services provided to an individual in relation to proceedings in England and Wales relating to the recognition or enforcement of a maintenance decision in circumstances in which—

- (a) Article 17(b) of the 2007 Hague Convention (free legal assistance for persons who benefited from such assistance in State of origin) applies to the proceedings by virtue of Article 37(2) of that Convention (direct request to competent authority of Contracting State), and
- (b) the individual falls within Article 17(b) as so applied.

Exclusions

(4) Sub-paragraphs (1) to (3B) 2 are subject to—

- (a) the exclusions in Part 2 of this Schedule, with the exception of paragraph 11 of that Part, and
- (b) the exclusion in Part 3 of this Schedule.

Definitions

(5) In this paragraph—

"the 1968 Brussels Convention" means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention) signed at Brussels on 27 September 1968;

"the 1973 Hague Convention" means the Convention on the recognition and enforcement of decisions relating to maintenance obligations concluded at The Hague on 2 October 1973;

"the 1989 Lugano Convention" means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocols annexed to that Convention) opened for signature at Lugano on 16 September 1988 and signed by the United Kingdom on 18 September 1989;

"the 2000 Brussels Regulation" means Council Regulation (EC) No. 44/ 2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

"the 2007 Hague Convention" means the Convention on the international recovery of child support and other forms of family maintenance concluded at The Hague on 23 November 2007;

"the 2007 Lugano Convention" means the Convention on jurisdiction and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30 October 2007;

"the EU Maintenance Regulation" means Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations;

"maintenance order", in relation to a convention or regulation listed in this paragraph, means a maintenance judgment within the meaning of that convention or regulation.

44 Cross-border disputes

(1) Civil legal services provided in relation to proceedings in circumstances in which the services are required to be provided under Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

A18

Maintenance Orders Act 1950

Part I JURISDICTION

15.— Service of process.

(1) Where—

(a) proceedings are begun in a court having jurisdiction under or by virtue of the following, namely—

(i) this Part of this Act; or

(ii) section 24(1) and 30(3) of the Domestic Proceedings and Magistrates' Courts Act 1978

(iii) section 15 of the Guardianship of Minors Act 1971; or

(iv) section 41 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 or sections 33 to 45 of the Children Act 1975 or section 55 of the Child Care Act 1980 or

(v) Article 164 of and Schedule 7 to the Children (Northern Ireland) Order 1995 or Article 165(2)(g) of that Order; or

(vi) Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; or

(b) an action which contains a conclusion for aliment not falling within the scope of paragraph (a)(i) above is commenced in a sheriff court in Scotland.

and the person against whom the action or other proceedings is or are brought resides in another part of the United Kingdom, any summons or initial writ addressed to him in the proceedings may, if endorsed in accordance with the provisions of this section in that part of the United Kingdom, be served within that part of the United Kingdom as if it had been issued or authorised to be served, as the case may be, by the endorsing authority.

(2) A summons or writ may be endorsed under this section, in England by a judge of the family court, in Scotland by a sheriff, and in Northern Ireland by a resident magistrate; and the endorsement shall be made in the form numbered 1 in the Second Schedule to this Act, or any form to the like effect.

(3) In any proceedings in which a summons or writ is served under this section, the service may be proved by means of a declaration made in the form numbered 2 in the Second Schedule to this Act, or any form to the like effect, before a judge of the family court, sheriff, or resident magistrate, as the case may be.

(4) Nothing in this section shall be construed as authorising the service of a summons or writ otherwise than personally.

(5) Section four of the Summary Jurisdiction (Process) Act 1881, shall not apply to any process which may be served under this section; and nothing in this section or in any other enactment shall be construed as authorising the execution in one part of the United Kingdom of a warrant for the arrest of a person who fails to appear in answer to any such process issued in another part of the United Kingdom.

Part II ENFORCEMENT

22.— Discharge and variation of maintenance orders registered in summary or sheriff courts.

(1) Subject to subsection (12A), where a maintenance order is for the time being registered under this Part of this Act in the family court, a court of summary jurisdiction in Northern Ireland or a sheriff court, that court may, upon application made in the prescribed manner by or on behalf of the person liable to make periodical payments under the order or the person entitled to those payments, by order make such variation as the court thinks fit in the rate of the payments under the maintenance order; but no such variation shall impose on the person liable to make payments under the maintenance order a liability to make payments in excess of the maximum rate (if any) authorised by the law for the time being in force in the part of the United Kingdom in which the maintenance order was made.

(12A) The power under subsection (1) to vary the rate of payments may not be exercised where paragraph 9(2) of Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 applies (restriction on modifying maintenance decision where creditor remains habitually resident in the part of the United Kingdom in which the decision was made).

(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any means of payment order (within the meaning of that subsection) made by virtue of this subsection.

(1F) The power of a court of summary jurisdiction in Northern Ireland to vary a maintenance order under subsection (1) of this section shall include power, if the court is satisfied that payment has not been made in accordance with the order, to vary the order by exercising one of its powers under subsection (1G) of this section.

(1G) The powers of the court are—

(a) the power to order that payments under the order be made directly to the collecting officer;

(b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.) as may be specified;

(c) the power to make an attachment of earnings order under Part IX of the Order of 1981 to secure payments under the order;

and in this subsection "collecting officer" means the officer mentioned in Article 85(4) of the Order of 1981.

(1H) In deciding which of the powers under subsection (1G) of this section it is to exercise, the court shall have regard to any representations made by the person liable to make payments under the order.

(1I) Paragraph (5) of Article 85 of the Magistrates' Courts (Northern Ireland) Order 1981 (power of court to require debtor to open account) shall apply for the purposes of subsection (1G) of this section as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

"(a) the court proposes to exercise its power under paragraph (b) of section 22(1G) of the Maintenance Orders Act 1950, and".

(1J) Paragraphs (4) to (11) of Article 86 of the Magistrates' Courts (Northern Ireland) Order 1981 (power of clerk and court to vary maintenance order) shall apply in relation to a maintenance order for the time being registered under this Part of this Act in a court of summary jurisdiction in Northern Ireland as they apply in relation to a maintenance order made by a court of summary jurisdiction in Northern Ireland but—

(a) as if in paragraph (4) for sub-paragraph (b) there were substituted—

"(b) payments under the order are required to be made to the collecting officer by any method of payment falling within Article 85(7) (standing order, etc.);"

and as if after the words "petty sessions" there were inserted "for the petty sessions district for which the court which made the order acts";

(b) as if in paragraph (5) for the words "to the collecting officer" there were substituted "in accordance with paragraph (a) of section 22(1G) of the Maintenance Orders Act 1950";

(c) as if in paragraph (7), sub-paragraph (c) and the word "and" immediately preceding it were omitted;

(d) as if in paragraph (8) for the words "sub-paragraph (a) to (d) of Article 85(3)" there were substituted "section 22(1G) of the Maintenance Orders Act 1950";

(e) as if for paragraphs (9) and (10) there were substituted the following paragraphs—

"(9) In deciding which of the powers under section 22(1G) of the Maintenance Orders Act 1950 it is to exercise, the court shall have regard to any representations made by the debtor.

(10) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

"(a) the court proposes to exercise its power under paragraph (b) of section 22(1G) of the Maintenance Orders Act 1950, and"

(2) For the purposes of subsection (1) of this section, a court in any part of the United Kingdom may take notice of the law in force in any other part of the United Kingdom.

(3) Section fifteen of this Act shall apply to the service of process for the purposes of this section as it applies to the service of process in proceedings begun in a court having jurisdiction by virtue of Part I of this Act.

(4) Except as provided by subsection (1) of this section, no variation shall be made in the rate of the payments under a maintenance order which is for the time being registered under this Part of this Act in the family court, a court of summary jurisdiction in Northern Ireland or a sheriff court, but without prejudice to any power of the court which made the order to discharge it or vary it otherwise than in respect of the rate of the payments thereunder.

(5) Where a maintenance order is for the time being registered under this Part of this Act in the family court, a court of summary jurisdiction in Northern Ireland or a sheriff court—

(a) the person entitled to payments under the order or the person liable to make payments under the order may, upon application made in the prescribed manner to the court by which the order was made, or in which the order is registered, as the case may be, adduce in the prescribed manner before the court in which the applications is made any evidence on which he would be entitled to rely in proceedings for the variation or discharge of the order;

(b) the court in which the application is made shall cause a transcript or summary of that evidence, signed by the deponent, to be sent to the prescribed officer of the court in which the order is registered or of the court by which the order was made, as the case may be; and in any proceedings for the variation or discharge of the order the transcript or summary shall be evidence of the facts stated therein.

A19

Maintenance Orders Act 1958

Part I REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

1.— Application of Part I.

(1) The provisions of this Part of this Act shall have effect for the purpose of enabling maintenance orders to which this Part of this Act applies to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court.

(1A) In the following provisions of this Act "maintenance order" means any order, decision, settlement, arrangement or instrument specified in Schedule 8 to the Administration of Justice Act 1970.

(2) For the purposes of subsection (1) above, a maintenance order made by a court in Scotland or Northern Ireland and registered in the High Court under Part II of the Maintenance Orders Act 1950 shall be deemed to have been made by the High Court.

(2A) This Part of this Act applies—

(a) to maintenance orders made by the High Court, other than orders registered in Scotland or Northern Ireland under Part II of the Maintenance Orders Act 1950, and

(b) to maintenance orders made by a court in Scotland or Northern Ireland and registered in the High Court under Part II of the Maintenance Orders Act 1950.

(3) Without prejudice to the provisions of section twenty-one of this Act, in this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings—

"High Court order" means an order made by the High Court;

"order" means a maintenance order to which this Part of this Act applies;

"original court" and "court of registration", in relation to an order, mean the court by which the order was made or, as the case may be, the court in which the order is registered;

"registered" means registered in accordance with the provisions of this Part of this Act, and "registration" shall be construed accordingly;

and for the purposes of this Part of this Act an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.

A20

Maintenance Orders (Facilities for Enforcement) Act 1920

3.— Power to make provisional orders of maintenance against persons resident in His Majesty's dominions outside the United Kingdom.

(1) Where an application is made to the family court, or in Northern Ireland to a court of summary jurisdiction, for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if that person had been **habitually** resident in England and Wales, had received reasonable notice of the date of the hearing of the application and had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by competent court in such part of His Majesty's dominions as aforesaid.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made, the court shall send to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been **habitually** duly resident in England and Wales, had received reasonable notice of the date of the hearing and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation, and the order has by that court been remitted to the court ... which made the order for the purpose of taking further evidence, that court or, in Northern Ireland, any other court of summary jurisdiction ... shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may revoke the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of the family court, or a court of summary jurisdiction in Northern Ireland, to vary or revoke that order:

Provided that on the making of a varying or revoking order the court shall send a certified copy thereof to the Secretary of State for transmission to the governor of the part of His Majesty's dominions in which the original order was confirmed, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had the person against whom the order is sought to be made been **habitually** resident in England and Wales and received reasonable notice of the date of the hearing of the application.

...

(8) In this section "revoke" includes discharge.

4A.— Variation and revocation of maintenance orders.

(1) This section applies to—

(a) any maintenance order made by virtue of section 3 of this Act which has been confirmed as mentioned in that section; and

(b) any maintenance order which has been confirmed under section 4 of this Act.

(2) Where the respondent to an application for the variation or revocation of a maintenance order to which this section applies is residing in a part of Her Majesty's dominions outside the United Kingdom to which this Act extends, the family court shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if that court would have had jurisdiction to hear it had the respondent been **habitually resident** in England and Wales.

(3) Where the defendant to a complaint for the variation or revocation of a maintenance order to which this section applies is residing in a part of Her Majesty's dominions outside the United Kingdom to which this Act extends, a court of summary jurisdiction in Northern Ireland shall have jurisdiction to hear the complaint if that court would have had jurisdiction to hear the complaint if that court would have had jurisdiction to hear it had the defendant been **habitually resident** in Northern Ireland.

(4) Where—

(a) the respondent to an application for the variation or revocation of a maintenance order to which this section applies does not appear at the time and place appointed for the hearing of the application by the family court, and

(b) the court is satisfied that the respondent is residing in a part of Her Majesty's dominions outside the United Kingdom to which this Act extends,

the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.

(5) Subsection (4) shall apply to Northern Ireland with the following modifications—

(a) for the word "respondent" (in each place where it occurs) there shall be substituted "defendant",

(b) for the words "an application" and "the application" (in each place where they occur) there shall be substituted "a complaint" and "the complaint" respectively, and

(c) for the words "the family court" there shall be substituted "a court of summary jurisdiction in Northern Ireland".

(6) In this section "revocation" includes discharge.

A21

Maintenance Orders (Reciprocal Enforcement) Act 1972

Part I RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS MADE IN UNITED KINGDOM OR RECIPROCATING COUNTRY

Orders made by courts in the United Kingdom

...

3.— Power of ... court to make provisional maintenance order against person residing in reciprocating country

(1) Where an application is made to the family court for a maintenance order against a person residing in a reciprocating country and the court would have jurisdiction to determine the application under the Domestic Proceedings and Magistrates' Courts Act 1978 or the Children Act 1989 if that person—

(a) were **habitually resident** in England and Wales, and

(b) received reasonable notice of the date of the hearing of the application, the court shall (subject to subsection (2) below) have jurisdiction to determine the application.

(2) A maintenance order made by virtue of this section shall be a provisional order.

...

(4) No enactment (or provision made under an enactment) requiring or enabling—

(za) a court to transfer proceedings from the family court to the High Court,

(a) a court to transfer proceedings from a magistrates' court in Northern Ireland to a county court or the High Court of Justice in Northern Ireland, or

(b) a magistrates' court in Northern Ireland to refuse to make an order on an application on the ground that any matter in question is one that would be more conveniently dealt with by the High Court of Justice in Northern Ireland, shall apply in relation to an application to which subsection (1) above applies.

(5) Where a court makes a maintenance order which is by virtue of this section a provisional order, the following documents, that is to say—

(a) a certified copy of the maintenance order;

(b) a document, authenticated in the prescribed manner, setting out or summarising the evidence given in the proceedings;

(c) a certificate signed by the prescribed officer of the court certifying that the grounds stated in the certificate are the grounds on which the making of the order might have been opposed by the payer under the order;

(d) a statement giving such information as was available to the court as to the whereabouts of the payer;

(e) a statement giving such information as the officer possesses for facilitating the identification of the payer; and

(f) where available, a photograph of the payer;

shall be sent by that officer to the Secretary of State with a view to their being transmitted by the Secretary of State to the responsible authority in the reciprocating country in which the payer is residing if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(6) A maintenance order made by virtue of this section which has been confirmed by a competent court in a reciprocating country shall be treated for all purposes as if the ... court which made the order had made it in the form in which it was confirmed and as if the order had never been a provisional order, and subject to section 5 of this Act, any such order may be enforced, varied or revoked accordingly.

(7) In the application of this section to Northern Ireland—

(a) for subsection (1) there shall be substituted—

"(1) Where a complaint is made to a magistrates' court against a person residing in a reciprocating country and the complaint is one on which the court would have jurisdiction by virtue of any enactment to make a maintenance order if—

(a) that person were **habitually resident** in Northern Ireland, and

(b) a summons to appear before the court to answer the complaint had been duly served on him,

the court shall have jurisdiction to hear the complaint and may (subject to subsection (2) below) make a maintenance order on the complaint."

...

4.— Power of sheriff to make provisional maintenance order against person residing in reciprocating country

(1) In any action where the sheriff has jurisdiction by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 and the defender resides in a reciprocating country, any maintenance order granted by the sheriff shall be a provisional order.

...

(4) In any action referred to in subsection (1) above—

(a) it shall not be necessary for the pursuer to obtain a warrant for the citation of any person, and the action may commence and proceed without such citation;

(b) no decree shall be granted in favour of the pursuer unless the grounds of action have been substantiated by sufficient evidence, and section 36(3) of the Sheriff Courts (Scotland) Act 1971 shall not apply in relation to any such action which is a summary cause.

(5) No enactment empowering the sheriff to remit an action to the Court of Session shall apply in relation to proceedings referred to in subsection (1) above.

(6) Section 3(5) and (6) of this Act shall apply for the purposes of this section as they apply for the purposes of that section, with the substitution, for references to a court that are references to the family court or a magistrates' court, of references to the sheriff.

(7) In this section, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

9.— Variation and revocation of maintenance order registered in United Kingdom court.

NOTE: Civil Jurisdiction and Judgments (Maintenance) Regulations 2011/1484 makes a provision about the application of s.9(3) where a registered order has been varied or revoked by a court in the Republic of Ireland on or after 18th June 2011

17.— Proceedings in the family court in England and Wales or in magistrates' courts in Northern Ireland

...

(4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court in Northern Ireland by, to or before which any other thing was done may be done by, to or before any magistrates' court ... acting for the same petty sessions district as that court.

(5) Any application which by virtue of a provision of this Part of this Act is made to a magistrates' court in Northern Ireland shall be made by complaint.

(5A) Where the respondent to an application for the variation or revocation of—

(a) a maintenance order made by the family court, being an order to which section 5 of this Act applies; or

(b) a registered order which is registered in the family court,

is residing in a reciprocating country, the family court shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been **habitually resident** in England and Wales.

(6) A magistrates' court in Northern Ireland shall have jurisdiction to hear a complaint for the variation or revocation—

(a) of a maintenance order made by such a court, being an order to which section 5 of this Act applies; or

(b) of a registered order which is registered in that court,

if the defendant to the complaint is residing in a reciprocating country and the court would have jurisdiction to hear the complaint had the defendant been **habitually resident** in Northern Ireland.

(7) Where the respondent to an application for the variation or revocation—

(a) of a maintenance order made by the family court in England and Wales or a magistrates' court in Northern Ireland, being an order to which section 5 of this Act applies; or

(b) of a registered order registered in the family court in England and Wales or a magistrates' court in Northern Ireland,

does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in a reciprocating country, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.

(7A) In the application of this section to Northern Ireland, in subsection (7)—

(a) for the word "respondent", in each place where it occurs, there shall be substituted "defendant"; and

(b) for the words "an application" and "the application", in each place where they occur, there shall be substituted "a complaint" and "the complaint" respectively."

Part II RECIPROCAL ENFORCEMENT OF CLAIMS FOR THE RECOVERY OF MAINTENANCE

Application by person in convention country for recovery of maintenance in England, Wales or Northern Ireland

...

27A.— Applications for recovery of maintenance in England and Wales.

(1) This section applies to any application which—

(a) is received by the Lord Chancellor from the appropriate authority in a convention country, and

(b) is an application by a person in that country for the recovery of maintenance from another person who is for the time being residing in England and Wales.

(2) Subject to sections 27B to 28B of this Act, an application to which this section applies shall be treated for the purposes of any enactment as if it were an application for a maintenance order under the relevant Act, made at the time when the application was received by the Lord Chancellor. **This subsection does not confer jurisdiction on a court in England and Wales that it would not otherwise have.**

(3) In the case of an application for maintenance for a child (or children) alone, the relevant Act is the Children Act 1989.

(4) In any other case, the relevant Act is the Domestic Proceedings and Magistrates' Courts Act 1978.

(5) In subsection (3) above, "child" means the same as in Schedule 1 to the Children Act 1989.

35.— Further provisions with respect to variation etc. of orders by the family court in England and Wales.

(1) Subsection (1A) applies in relation to an application for the variation or revocation of a registered order registered in the family court ("the registering court") made—

(a) by the person against whom or on whose application the registered order was made, and

(b) in circumstances where the person by or against whom the application is made is residing outside England and Wales.

(1A) The registering court has jurisdiction to hear the application even though—

(a) a party to the application is residing outside England and Wales.

...

(1B) But if the application or part of it relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the registering court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.

(2) None of the powers of the court ... under section 34A of this Act shall be exercisable in relation to such an application.

(3) Where the respondent to an application for the variation or revocation of a registered order which is registered in the family court does not appear at the time and place appointed for the hearing of the application, but the court is satisfied—

(a) that the respondent is residing outside England and Wales, and

(b) that the prescribed notice of the making of the application and of the time and place appointed for the hearing has been given to the respondent in the prescribed manner, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.

(4) In subsection (1B) "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark..

A22

Matrimonial Causes Act 1973

23 Financial provision orders in connection with divorce proceedings, etc

(1) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or of nullity of marriage, before or after the decree is made absolute), the court may make any one or more of the following orders, that is to say—

- (a) an order that either party to the marriage shall make to the other such periodical payments, for such term, as may be specified in the order;
 - (b) an order that either party to the marriage shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be so specified;
 - (c) an order that either party to the marriage shall pay to the other such lump sum or sums as may be so specified;
 - (d) an order that a party to the marriage shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be so specified;
 - (e) an order that a party to the marriage shall secure to such person as may be so specified for the benefit of such a child, or to such a child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
 - (f) an order that a party to the marriage shall pay to such person as may be so specified for the benefit of such a child, or to such a child, such lump sum as may be so specified;
- subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restrictions imposed by section 29(1) and (3) below on the making of financial provision orders in favour of children who have attained the age of eighteen.
- (2) The court may also, subject to those restrictions, make any one or more of the orders mentioned in subsection (1)(d), (e) and (f) above—
- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before granting a decree; and
 - (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal.
- (3) Without prejudice to the generality of subsection (1)(c) or (f) above—
- (a) an order under this section that a party to a marriage shall pay a lump sum to the other party may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before making an application for an order under this section in his or her favour;
 - (b) an order under this section for the payment of a lump sum to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of that child before the making of an application for an order under this section in his favour to be met; and
 - (c) an order under this section for the payment of a lump sum may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.
- (4) The power of the court under subsection (1) or (2)(a) above to make an order in favour of a child of the family shall be exercisable from time to time; and where the court makes an order in favour of a child under subsection (2)(b) above, it may from time to time, subject to the restrictions mentioned in subsection (1) above, make a further order in his favour of any of the kinds mentioned in subsection (1)(d), (e) or (f) above.
- (5) Without prejudice to the power to give a direction under section 30 below for the settlement of an instrument by conveyancing counsel, where an order is made under subsection (1)(a), (b) or (c) above on or after granting a decree of divorce or nullity of marriage, neither the order nor any settlement made in pursuance of the order shall take effect unless the decree has been made absolute.
- (6) Where the court—
- (a) makes an order under this section for the payment of a lump sum; and
 - (b) directs—
- (i) that payment of that sum or any part of it shall be deferred; or
 - (ii) that that sum or any part of it shall be paid by instalments,
- the court may order that the amount deferred or the instalments shall carry interest at such rate as may be specified by the order from such date, not earlier than the date of the order, as may be so specified, until the date when payment is due.

NOTE: 2017 Red Book commentary

Jurisdiction - An order of the Chancery Division relating to the ownership of assets is a final determination of those issues between the parties and operates as an estoppel for the wife disputing the ownership of those assets in the Family Division: *Edgerton v Edgerton and Shaikh* [2012] 2 FLR 273, CA. Note that the court's jurisdiction may be excluded in relation to 'maintenance' (which is not necessarily limited to periodical payments) if the paying party remains resident in another EU Member State in which a decision as to maintenance, including a dismissal of a spouse's claim, has previously been made: Council Regulation (EC) No 4/2009 (Maintenance Regulation), Art 8. For a discussion as to what amounts to a 'decision' or 'court settlement' of a foreign court, see *Ramadani and Ramadani* [2015] EWCA Civ 1138. Jurisdiction may also be excluded if the parties have previously agreed in writing that another Member State shall have jurisdiction (Art 4.)

Section 25 Matters to which court is to have regard in deciding how to exercise its powers under ss23, 24, 24A, 24B and 24E.

...

NOTE: 2017 Red Book commentary

Nuptial agreements and need - A valid prorogation clause as to jurisdiction (pursuant to Art 41(1), (2) of the Maintenance Regulation EC No 4/2009) within a nuptial agreement may act to limit the court's powers to make financial remedy orders that relate to the claimant's maintenance needs, see *DB v PB* [2016] EWHC 33431 (Fam).

27 Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family.

- (1) Either party to a marriage may apply to the court for an order under this section on the ground that the other party to the marriage (in this section referred to as the respondent)—
- (a) has failed to provide reasonable maintenance for the applicant, or
 - (b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family.
- (2) The court may not entertain an application under this section unless it has jurisdiction to do so by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011
- (3) Where an application under this section is made on the ground mentioned in subsection (1)(a) above, then, in deciding—
- (a) whether the respondent has failed to provide reasonable maintenance for the applicant, and
 - (b) what order, if any, to make under this section in favour of the applicant,
- the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(2) above, and where an application is also made under this section in respect of a child of the family who has not attained the age of eighteen, first consideration shall be given to the welfare of the child while a minor.
- (3A) Where an application under this section is made on the ground mentioned in subsection (1)(b) above then, in deciding—
- (a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates, and
 - (b) what order, if any, to make under this section in favour of the child,
- the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(3)(a) to (e) above, and where the child of the family to whom the application relates is not the child of the respondent, including also the matters mentioned in section 25(4) above.
- (3B) In relation to an application under this section on the ground mentioned in subsection (1)(a) above, section 25(2)(c) above shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide reasonable maintenance for the applicant, and in relation to an application under this section on the ground mentioned in subsection (1)(b) above, section 25(2)(c) above (as it applies by virtue of section 25(3)(e) above) shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.
- (5) Where on an application under this section it appears to the court that the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application, the court may make an interim order for maintenance, that is to say, an order requiring the respondent to make to the applicant until the determination of the application such periodical payments as the court thinks reasonable.
- (6) Where on an application under this section the applicant satisfies the court of any ground mentioned in subsection (1) above, the court may make any one or more of the following orders, that is to say—
- (a) an order that the respondent shall make to the applicant such periodical payments, for such term, as may be specified in the order;
 - (b) an order that the respondent shall secure to the applicant, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
 - (c) an order that the respondent shall pay to the applicant such lump sum as may be so specified;
 - (d) an order that the respondent shall make to such person as may be specified in the order for the benefit of the child to whom the application relates, or to that child, such periodical payments, for such term, as may be so specified;
 - (e) an order that the respondent shall secure to such person as may be so specified for the benefit of that child, or to that child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
 - (f) an order that the respondent shall pay to such person as may be so specified for the benefit of that child, or to that child, such lump sum as may be so specified;
- subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restrictions imposed by section 29(1) and (3) below on the making of financial provision orders in favour of children who have attained the age of eighteen.
- (6A) An application for the variation under section 31 of this Act of a periodical payments order or secured periodical payments order made under this section in favour of a child may, if the child has attained the age of sixteen, be made by the child himself.
- (6B) Where a periodical payments order made in favour of a child under this section ceases to have effect on the date on which the child attains the age of sixteen or at any time after that date but before or on the date on which he attains the age of eighteen, then if, on an application made to the court for an order under this subsection, it appears to the court that—
- (a) the child is, will be or (if an order were made under this subsection) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he also is, will be or would be in gainful employment; or
 - (b) there are special circumstances which justify the making of an order under this subsection,
- the court shall have power by order to revive the first mentioned order from such date as the court may specify, not being earlier than the date of the making of the application, and to exercise its power under section 31 of this Act in relation to any order so revived.
- (7) Without prejudice to the generality of subsection (6)(c) or (f) above, an order under this section for the payment of a lump sum—
- (a) may be made for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the applicant or any child of the family to whom the application relates before the making of the application to be met;
 - (b) may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

35 Alteration of agreements by court during lives of parties.

(1) Where a maintenance agreement is for the time being subsisting and each of the parties to the agreement is for the time being either domiciled or resident in England and Wales, then, subject to subsections (1A) and (3) below, either party may apply to the court for an order under this section.

(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011—

- (a) the requirement as to domicile or residence in subsection (1) does not apply to the application or that part of it, but
- (b) the court may not entertain the application or that part of it unless it has jurisdiction to do so by virtue of that Regulation and that Schedule.

(2) If the court is satisfied either—

(a) that by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made or, as the case may be, financial arrangements were omitted from it (including a change foreseen by the parties when making the agreement), the agreement should be altered so as to make different, or, as the case may be, so as to contain, financial arrangements, or

(b) that the agreement does not contain proper financial arrangements with respect to any child of the family,
then subject to subsections (4) and (5) below, the court may by order make such alterations in the agreement—

(i) by varying or revoking any financial arrangements contained in it, or

(ii) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,

as may appear to the court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in section 25(4) above; and the agreement shall have effect thereafter as if any alteration made by the order had been made by agreement between the parties and for valuable consideration.

(3) (repealed)

(4) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the other party or by increasing the rate of the periodical payments which the agreement provides shall be made or secured by one of the parties for the maintenance of the other, the term for which the payments or, as the case may be, the additional payments attributable to the increase are to be made under the agreement as altered by the order shall be such term as the court may specify, subject to the following limits, that is to say—

(a) where the payments will not be secured, the term shall be so defined as not to extend beyond the death of either of the parties to the agreement or the remarriage of, or formation of a civil partnership by, the party to whom the payments are to be made;

(b) where the payments will be secured, the term shall be so defined as not to extend beyond the death or remarriage of, or formation of a civil partnership by, that party.

(5) Where the court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of a child of the family or by increasing the rate of the periodical payments which the agreement provides shall be made or secured by one of the parties for the maintenance of such a child, then, in deciding the term for which under the agreement as altered by the order the payments, or as the case may be, the additional payments attributable to the increase are to be made or secured for the benefit of the child, the court shall apply the provisions of section 29 (2) and (3) above as to age limits as if the order in question were a periodical payments or secured periodical payments order in favour of the child.

(6) For the avoidance of doubt it is hereby declared that nothing in this section or in section 34 above affects any power of a court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment (including a provision of this Act) to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.

52 Interpretation.

(1) In this Act—

"child", in relation to one or both of the parties to a marriage, includes an illegitimate child of that party or, as the case may be, of both parties;

"child of the family", in relation to the parties to a marriage, means—

(a) a child of both of those parties; and

(b) any other child, not being a child who is placed with those parties as foster parents by a local authority or voluntary organisation, who has been treated by both of those parties as a child of their family;

"the court" (except where the context otherwise requires) means the High Court or the family court;

"education" includes training.

"maintenance calculation" has the same meaning as it has in the Child Support Act 1991 by virtue of section 54 of that Act as read with any regulations in force under that section.

"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

(2) In this Act—

(a) references to financial provision orders, periodical payments and secured periodical payments orders and orders for the payment of a lump sum, and references to property adjustment orders, shall be construed in accordance with section 21 above;

(aa) references to pension sharing orders shall be construed in accordance with section 21A above; and

(b) references to orders for maintenance pending suit and to interim orders for maintenance shall be construed respectively in accordance with section 22 and section 27(5) above.

(3) For the avoidance of doubt it is hereby declared that references in this Act to remarriage include references to a marriage which is by law void or voidable.

(3A) References in this Act to the formation of a civil partnership by a person include references to a civil partnership which is by law void or voidable.

(4) Except where the contrary intention is indicated, references in this Act to any enactment include references to that enactment as amended, extended or applied by or under any subsequent enactment, including this Act.

A23

Matrimonial and Family Proceedings Act 1984

Part III FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DIVORCE ETC.

Applications for financial relief

...

15.— Jurisdiction of the court.

(1) Subject to **subsections (1A) and (2)** below, the court shall have jurisdiction to entertain an application for an order for financial relief if any of the following jurisdictional requirements are satisfied, that is to say—

- (a) either of the parties to the marriage was domiciled in England and Wales on the date of the application for leave under section 13 above or was so domiciled on the date on which the divorce, annulment or legal separation obtained in the overseas country took effect in that country; or
- (b) either of the parties to the marriage was habitually resident in England and Wales throughout the period of one year ending with the date of the application for leave or was so resident throughout the period of one year ending with the date on which the divorce, annulment or legal separation obtained in the overseas country took effect in that country; or
- (c) either or both of the parties to the marriage had at the date of the application for leave a beneficial interest in possession in a dwelling-house situated in England or Wales which was at some time during the marriage a matrimonial home of the parties to the marriage.

(1A) If an application or part of an application relates to a matter where jurisdiction falls to be determined by reference to the jurisdictional requirements of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, those requirements are to determine whether the court has jurisdiction to entertain the application or that part of it.

(2) Where the jurisdiction of the court to entertain proceedings under this Part of this Act would fall to be determined by reference to the jurisdictional requirements imposed by virtue of Part I of the Civil Jurisdiction and Judgments Act 1982 (implementation of certain European conventions) ... or then—

- (a) satisfaction of the requirements of subsection (1) above shall not obviate the need to satisfy the requirements imposed by virtue of ... Part I of that Act; and
 - (b) satisfaction of the requirements imposed by virtue of ... Part I of that Act shall obviate the need to satisfy the requirements of subsection (1) above;
- and the court shall entertain or not entertain the proceedings accordingly.

(3) In this section, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

16 Duty of the court to consider whether England and Wales is appropriate venue for application.

(1) **Subject to subsection (3)** before making an order for financial relief the court shall consider whether in all the circumstances of the case it would be appropriate for such an order to be made by a court in England and Wales, and if the court is not satisfied that it would be appropriate, the court shall dismiss the application.

(2) The court shall in particular have regard to the following matters—

- (a) the connection which the parties to the marriage have with England and Wales;
- (b) the connection which those parties have with the country in which the marriage was dissolved or annulled or in which they were legally separated;
- (c) the connection which those parties have with any other country outside England and Wales;
- (d) any financial benefit which the applicant or a child of the family has received, or is likely to receive, in consequence of the divorce, annulment or legal separation, by virtue of any agreement or the operation of the law of a country outside England and Wales;
- (e) in a case where an order has been made by a court in a country outside England and Wales requiring the other party to the marriage to make any payment or transfer any property for the benefit of the applicant or a child of the family, the financial relief given by the order and the extent to which the order has been complied with or is likely to be complied with;
- (f) any right which the applicant has, or has had, to apply for financial relief from the other party to the marriage under the law of any country outside England and Wales and if the applicant has omitted to exercise that right the reason for that omission;
- (g) the availability in England and Wales of any property in respect of which an order under this Part of this Act in favour of the applicant could be made;
- (h) the extent to which any order made under this Part of this Act is likely to be enforceable;
- (i) the length of time which has elapsed since the date of the divorce, annulment or legal separation.

(3) If the court has jurisdiction in relation to the application or part of it by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011, the court may not dismiss the application or that part of it on the ground mentioned in subsection (1) if to do so would be inconsistent with the jurisdictional requirements of that Regulation and that Schedule.

(4) In this section, "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark

A24

Mental Capacity Act 2005

Schedule 3

Paragraph 4 Adults with incapacity

(1) "Adult" means (subject to sub-paragraph (2) a person who—

- (a) as a result of an impairment or insufficiency of his personal faculties, cannot protect his interests, and
- (b) has reached 16.

(2) But "adult" does not include a child to whom either of the following applies—

- (a) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;
- (b) Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

A25

Merchant Shipping (Liner Conferences) Act 1982

5 Liability of members of conference to be in proportion to their responsibility.

(1) Where proceedings arising out of the Code are brought against a member of a conference in respect of damage or loss suffered by any person and other members of the conference are also liable (whether jointly or otherwise) in respect of the same damage or loss, the liability of that member to make good that damage or loss shall be in proportion to his responsibility.

The reference above to the liability of other members of the conference is to any such liability which has been or could be established in proceedings brought before the same court or other tribunal by or on behalf of the person suffering the damage or loss; and for the purposes of this subsection it is immaterial by reference to what law the issue of liability was or would be determined.

(2) In ascertaining the responsibility of a member of a conference for the purposes of subsection (1), regard shall be had not only to the member's part (if any) in the particular matters giving rise to the proceedings but also to his general involvement in the affairs of the conference as shown, for example, by his share of the conference trade, the nature of pooling arrangements to which he is a party and the extent to which he contributes to the administrative expenses of the conference.

(3) Subsections (1) and (2) apply to any proceedings in the United Kingdom and to proceedings elsewhere in which the extent of the liability of a member of a conference falls to be determined by reference to the law of a part of the United Kingdom.

(4) Where in proceedings arising out of the Code—

(a) judgment is given against a member of a conference in respect of damage or loss caused to any person, and

(b) the extent of the member's liability is not determined by reference to subsections (1) and (2),

the member shall not, if it is sought to enforce the judgment in the United Kingdom, be liable to make good any greater proportion of that damage or loss than if the extent of his liability had been determined by reference to those subsections.

(5) A member of an unincorporated conference against which judgment is given, whether in the United Kingdom or elsewhere, in proceedings arising out of the Code in respect of damage or loss caused by any person by a breach of duty by the conference, shall not, by virtue of section 6(3), be liable to make good any greater proportion of that damage or loss than he would have been if the proceedings had been brought against him and the other members of the conference in respect of a duty owed by all the members of the conference and the extent of his liability had been determined by reference to subsections (1) and (2).

(6) Subsections (4) and (5) shall not affect the enforcement in the United Kingdom of a judgment required to be enforced there by virtue of Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 (judgments given in countries with whom reciprocal arrangements exist) or Part I of the Civil Jurisdiction and Judgments Act 1982 or Regulation (EU) No.1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4) .

A26

Proceeds of Crime Act 2002

The Act was brought in to implement:

1. Directive 91/308 on prevention of the use of the financial system for the purpose of money laundering

2. Directive 2001/97 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering

NOTE: With regard to its relevance to family law, the Act appears in the Red Book in the following contexts:

1

s.15 of the Children Act 1989 (Orders for financial relief with respect to children): "Procedure—An application under s 15 for financial relief with respect to children follows the shorter procedure as set out in FPR 2010, rr 9.19, 9.20, PD9A, para 1.2(a)(ii), and see Procedural Guide A2. Where a father's resources are subject to a criminal restraint order under the Proceeds of Crime Act 2002, a mother seeking relief including the disclosure of the father's means should apply to the Crown Court that made the order, on notice: *T v B* and Revenue and Customs Prosecutions Office [2009] 1 FLR 1231, FD."

2

s.21 of the Matrimonial Causes Act 1973 (Financial Provision and Property Adjustment Orders): "Relationship of financial proceedings with criminal compensation orders—Following the implementation of the Proceeds of Crime Act 2002, issues of confiscation and enforcement lie with the Crown Court (*Webber v Webber* [2007] 2 FLR 116, FD). Ancillary relief and applications for confiscation orders are no longer heard together. In *Stodgell v Stodgell* [2009] 2 FLR 244, CA, a wife's application for ancillary relief could not proceed until after a compensation order imposed on the husband following his conviction for tax evasion was discharged. Where the husband's assets are extinguished by moneys due under a confiscation order, a wife would fail in her ancillary relief claim, even where she was non-complicit in the husband's fraud. See also *W v W* (Financial Remedies: Confiscation Order) [2013] 2 FLR 359, FD."

A27

Senior Courts Act 1981

Part II JURISDICTION

Chapter 002 THE HIGH COURT

Powers

40.— Attachment of debts.

(1) Subject to any order for the time being in force under subsection (4), this section applies to any deposit account, and any withdrawable share account, with a deposit-taker.

(2) In determining whether, for the purposes of the jurisdiction of the High Court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with rules of court, any condition mentioned in subsection (3) which applies to the account shall be disregarded.

(3) Those conditions are—

- (a) any condition that notice is required before any money or share is withdrawn;
- (b) any condition that a personal application must be made before any money or share is withdrawn;
- (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
- (d) any other prescribed condition.

(4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—

- (a) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order;
- (b) excluding from the accounts to which this section applies all accounts with any particular deposit-taker so specified or with any deposit-taker of a description so specified.
- (5) Any order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) "Deposit-taker" means a person who may, in the course of his business, lawfully accept deposits in the United Kingdom.

(7) Subsection (6) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

...

Schedule 1 DISTRIBUTION OF BUSINESS IN HIGH COURT

Family Division

...

3

To the Family Division are assigned—

- (a) all matrimonial causes and matters (whether at first instance or on appeal);
- (aa) applications for a writ of habeas corpus for release relating to a minor;
- (b) all causes and matters (whether at first instance or on appeal) relating to—
 - (i) legitimacy;
 - (ii) the exercise of the inherent jurisdiction of the High Court with respect to minors, the maintenance of minors and any proceedings under the Children Act 1989, except proceedings solely for the appointment of a guardian of a minor's estate;
 - (iii) ... adoption;
 - (iv) non-contentious or common form probate business;
 - (c) applications for consent to the marriage of a minor or for a declaration under section 27B(5) of the Marriage Act 1949;
- ...
- (e) applications under Part III of the Family Law Act 1986;
- (e) proceedings under the Children Act 1989;
- (ea) proceedings under section 79 of the Childcare Act 2006;
- (eb) proceedings under section 43 of the Children and Families (Wales) Measure 2010;
- (ec) proceedings under Part 6 of the Social Services and Well-being (Wales) Act 2014;
- (f) all proceedings under—
 - (i) the Part IV or 4A of the Family Law Act 1996;
 - (ii) the Child Abduction and Custody Act 1985;
 - (iii) the Family Law Act 1986;
 - (iv) section 54 of the Human Fertilisation and Embryology Act 2008;
- (v) Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, so far as that Regulation relates to jurisdiction, recognition and enforcement in parental responsibility matters;
- (vi) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;
- (fa) all proceedings relating to a debit or credit under section 29(1) or 49(1) of the Welfare Reform and Pensions Act 1999;
- (g) all proceedings for the purpose of enforcing an order made in any proceedings of a type described in this paragraph; ...
- (h) all proceedings under the Child Support Act 1991;...
- (ha) all proceedings under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003
- (i) all proceedings under sections 6 and 8 of the Gender Recognition Act 2004;
- (j) all civil partnership causes and matters (whether at first instance or on appeal);
- (j) applications for consent to the formation of a civil partnership by a minor or for a declaration under paragraph 7 of Schedule 1 to the Civil Partnership Act 2004;
- (k) applications under section 58 of that Act (declarations relating to civil partnerships).
- (l) proceedings under Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, so far as relating to the recognition and enforcement in England and Wales of a protection measure (within the meaning of that Regulation) ordered in a Member State other than the United Kingdom.

A28

Social Security Administration Act 1992

Part V INCOME SUPPORT AND THE DUTY TO MAINTAIN

108.— Reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State.

(1) This section applies where—

....

(b) there is in force a maintenance order made against the other parent ("the liable person")—

(i) in favour of the claimant or one or more of the children, or

(ii) in favour of some other person for the benefit of the claimant or one or more of the children;

and in this section "the primary recipient" means the person in whose favour that maintenance order was made.

(2) If, in a case where this section applies, the liable person fails to comply with any of the terms of the maintenance order—

(a) the Secretary of State may bring any proceedings or take any other steps to enforce the order that could have been brought or taken by or on behalf of the primary recipient; and

(b) any court before which proceedings are brought by the Secretary of State by virtue of paragraph (a) above shall have the same powers in connection with those proceedings as it would have had if they had been brought by the primary recipient.

(3) The Secretary of State's powers under this section are exercisable at his discretion and whether or not the primary recipient or any other person consents to their exercise; but any sums recovered by virtue of this section shall be payable to or for the primary recipient, as if the proceedings or steps in question had been brought or taken by him or on his behalf.

(4) The powers conferred on the Secretary of State by subsection (2)(a) above include power—

(a) to apply for the registration of the maintenance order under—

(i) section 17 of the Maintenance Orders Act 1950;

(ii) section 2 of the Maintenance Orders Act 1958 ;

(iii) the Civil Jurisdiction and Judgments Act 1982;

....

(ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and

(b) to make an application under section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (application for enforcement in reciprocating country).

(5) Where this section applies, the prescribed person shall in prescribed circumstances give the Secretary of State notice of any application—

(a) to alter, vary, suspend, discharge, revoke, revive or enforce the maintenance order in question; or

(b) to remit arrears under that maintenance order;

and the Secretary of State shall be entitled to appear and be heard on the application.

(6) Where, by virtue of this section, the Secretary of State commences any proceedings to enforce a maintenance order, he shall, in relation to those proceedings, be treated for the purposes of any enactment or instrument relating to maintenance orders as if he were a person entitled to payment under the maintenance order in question (but shall not thereby become entitled to any such payment).

(7) Where, in any proceedings under this section in England and Wales, the court makes an order for the whole or any part of the arrears due under the maintenance order in question to be paid as a lump sum, the Secretary of State shall inform the Lord Chancellor of the amount of that lump sum if he knows—

(a) that the primary recipient either—

(i) was an assisted party, within the meaning of the Legal Aid Act 1988, in those proceedings, or

(iii) received services funded by the Legal Services Commission as part of the Community Legal Service; or

(iv) was provided with civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) under arrangements made for the purposes of that Part of that Act; and

(b) that a sum remains unpaid on account of the contribution required of the primary recipient—

(i) under section 9 of the Legal Aid Act 1974 in respect of those proceedings, or

(ii) under section 16 of the Legal Aid Act 1988 in respect of the costs of his being represented under Part IV of that Act in those proceedings, or

(iii) by virtue of section 10 of the Access to Justice Act 1999 in respect of services funded by the Legal Services Commission as part of the Community Legal Service, or

(iv) under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in respect of civil legal services (within the meaning of Part 1 of that Act) provided under arrangements made for the purposes of that Part of that Act,

as the case may be.

(8) In this section "maintenance order" —

(a) in England and Wales, means—

....

(ii) any order under Part 3 of the Matrimonial and Family Proceedings Act 1984 (overseas divorce) for the making of periodical payments;

(iii) any order under Schedule 7 to the Civil Partnership Act 2004 for the making of periodical payments;

(b) in Scotland, means any order, except an order for the payment of a lump sum, falling within the definition of "maintenance order" in section 106 of the Debtors (Scotland) Act 1987, but disregarding paragraph (h) (alimentary bond or agreement).

(9) In this section "the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

A29

State Immunity Act 1978

NOTE: See s.31(4) of the Civil Jurisdiction and Judgments Act 1982, which states that the following provisions highlighted red apply to proceedings for the recognition or enforcement in the United Kingdom of a judgment given by a court of an overseas country (whether or not that judgment is within s.31(1)) as they apply to other proceedings.

Part I PROCEEDINGS IN UNITED KINGDOM BY OR AGAINST OTHER STATES

Procedure

12.— Service of process and judgments in default of appearance.

- (1) Any writ or other document required to be served for instituting proceedings against a State shall be served by being transmitted through the Foreign and Commonwealth Office to the Ministry of Foreign Affairs of the State and Service shall be deemed to have been effected when the writ or document is received at the Ministry.
- (2) Any time for entering an appearance (whether prescribed by rules of court or otherwise) shall begin to run two months after the date on which the writ or document is received as aforesaid.
- (3) A State which appears in proceedings cannot thereafter object that subsection (1) above has not been complied with in the case of those proceedings.
- (4) No judgment in default of appearance shall be given against a State except on proof that subsection (1) above has been complied with and that the time for entering an appearance as extended by subsection (2) above has expired.
- (5) A copy of any judgment given against a State in default of appearance shall be transmitted through the Foreign and Commonwealth Office to the Ministry of Foreign Affairs of that State and any time for applying to have the judgment set aside (whether prescribed by rules of court or otherwise) shall begin to run two months after the date on which the copy of the judgment is received at the Ministry.
- (6) Subsection (1) above does not prevent the service of a writ or other document in any manner to which the State has agreed and subsections (2) and (4) above do not apply where service is effected in any such manner.
- (7) This section shall not be construed as applying to proceedings against a State by way of counter-claim or to an action in rem; and subsection (1) above shall not be construed as affecting any rules of court whereby leave is required for the service of process outside the jurisdiction.

NOTE: Rule 6.1 of the Family Procedure Rules 2010 states that Part 6 (Service) applies to service of documents except where any other enactment makes a different provision. Section 12 of State Immunity Act 1978 makes a different provision.

13.— Other procedural privileges.

- (1) No penalty by way of committal or fine shall be imposed in respect of any failure or refusal by or on behalf of a State to disclose or produce any document or other information for the purposes of proceedings to which it is a party.
- (2) Subject to subsections (3) and (4) below—
 - (a) relief shall not be given against a State by way of injunction or order for specific performance or for the recovery of land or other property; and
 - (b) the property of a State shall not be subject to any process for the enforcement of a judgment or arbitration award or, in an action in rem, for its arrest, detention or sale.
- (3) Subsection (2) above does not prevent the giving of any relief or the issue of any process with the written consent of the State concerned; and any such consent (which may be contained in a prior agreement) may be expressed so as to apply to a limited extent or generally; but a provision merely submitting to the jurisdiction of the courts is not to be regarded as a consent for the purposes of this subsection.
- (4) Subsection (2)(b) above does not prevent the issue of any process in respect of property which is for the time being in use or intended for use for commercial purposes; but, in a case not falling within section 10 above, this subsection applies to property of a State party to the European Convention on State Immunity only if—
 - (a) the process is for enforcing a judgment which is final within the meaning of section 18(1)(b) below and the State has made a declaration under Article 24 of the Convention; or
 - (b) the process is for enforcing an arbitration award.
- (5) The head of a State's diplomatic mission in the United Kingdom, or the person for the time being performing his functions, shall be deemed to have authority to give on behalf of the State any such consent as is mentioned in subsection (3) above and, for the purposes of subsection (4) above, his certificate to the effect that any property is not in use or intended for use by or on behalf of the State for commercial purposes shall be accepted as sufficient evidence of that fact unless the contrary is proved.
- (6) In the application of this section to Scotland—
 - (a) the reference to "injunction" shall be construed as a reference to "interdict";
 - (b) for paragraph (b) of subsection (2) above there shall be substituted the following paragraph—

"(b) the property of a State shall not be subject to any diligence for enforcing a judgment or order of a court or a decree arbitral or, in an action in rem, to arrestment or sale."
- ; and
- (c) any reference to "process" shall be construed as a reference to "diligence", any reference to "the issue of any process" as a reference to "the doing of diligence" and the reference in subsection (4)(b) above to "an arbitration award" as a reference to "a decree arbitral".

14.— States entitled to immunities and privileges.

- (1) The immunities and privileges conferred by this Part of this Act apply to any foreign or commonwealth State other than the United Kingdom; and references to a State include references to—
 - (a) the sovereign or other head of that State in his public capacity;
 - (b) the government of that State; and
 - (c) any department of that government,but not to any entity (hereafter referred to as a "separate entity") which is distinct from the executive organs of the government of the State and capable of suing or being sued.
- (2) A separate entity is immune from the jurisdiction of the courts of the United Kingdom if, and only if—
 - (a) the proceedings relate to anything done by it in the exercise of sovereign authority; and
 - (b) the circumstances are such that a State (or, in the case of proceedings to which section 10 above applies, a State which is not a party to the Brussels Convention) would have been so immune.
- (3) If a separate entity (not being a State's central bank or other monetary authority) submits to the jurisdiction in respect of proceedings in the case of which it is entitled to immunity by virtue of subsection (2) above, subsections (1) to (4) of section 13 above shall apply to it in respect of those proceedings as if references to a State were references to that entity.
- (4) Property of a State's central bank or other monetary authority shall not be regarded for the purposes of subsection (4) of section 13 above as in use or intended for use for commercial purposes; and where any such bank or authority is a separate entity subsections (1) to (3) of that section shall apply to it as if references to a State were references to the bank or authority.
- (5) Section 12 above applies to proceedings against the constituent territories of a federal State; and Her Majesty may by Order in Council provide for the other provisions of this Part of this Act to apply to any such constituent territory specified in the Order as they apply to a State.
- (6) Where the provisions of this Part of this Act do not apply to a constituent territory by virtue of any such Order subsections (2) and (3) above shall apply to it as if it were a separate entity.

A30

Youth Justice and Criminal Evidence Act 1999

Part II GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

Chapter I SPECIAL MEASURES DIRECTIONS IN CASE OF VULNERABLE AND INTIMIDATED WITNESSES

16.— Witnesses eligible for assistance on grounds of age or incapacity.

- (1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this section—
- (a) if under the age of 18 at the time of the hearing; or
- (b) if the court considers that the quality of evidence given by the witness is likely to be diminished by reason of any circumstances falling within subsection (2).
- (2) The circumstances falling within this subsection are—
- (a) that the witness—
- (i) suffers from mental disorder within the meaning of the Mental Health Act 1983, or
- (ii) otherwise has a significant impairment of intelligence and social functioning;
- (b) that the witness has a physical disability or is suffering from a physical disorder.
- (3) In subsection (1)(a) "the time of the hearing", in relation to a witness, means the time when it falls to the court to make a determination for the purposes of section 19(2) in relation to the witness.
- (4) In determining whether a witness falls within subsection (1)(b) the court must consider any views expressed by the witness.
- (5) In this Chapter references to the quality of a witness's evidence are to its quality in terms of completeness, coherence and accuracy; and for this purpose "coherence" refers to a witness's ability in giving evidence to give answers which address the questions put to the witness and can be understood both individually and collectively.

17.— Witnesses eligible for assistance on grounds of fear or distress about testifying.

- (1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this subsection if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.
- (2) In determining whether a witness falls within subsection (1) the court must take into account, in particular—
- (a) the nature and alleged circumstances of the offence to which the proceedings relate;
- (b) the age of the witness;
- (c) such of the following matters as appear to the court to be relevant, namely—
- (i) the social and cultural background and ethnic origins of the witness,
- (ii) the domestic and employment circumstances of the witness, and
- (iii) any religious beliefs or political opinions of the witness;
- (d) any behaviour towards the witness on the part of—
- (i) the accused,
- (ii) members of the family or associates of the accused, or
- (iii) any other person who is likely to be an accused or a witness in the proceedings.
- (3) In determining that question the court must in addition consider any views expressed by the witness.
- (4) Where the complainant in respect of a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015 1 is a witness in proceedings relating to that offence (or to that offence and any other offences), the witness is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this subsection.
- (5) A witness in proceedings relating to a relevant offence (or to a relevant offence and any other offences) is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this subsection.
- (6) For the purposes of subsection (5) an offence is a relevant offence if it is an offence described in Schedule 1A.
- (7) The Secretary of State may by order amend Schedule 1A.

18.— Special measures available to eligible witnesses

- (1) For the purposes of this Chapter—
- (a) the provision which may be made by a special measures direction by virtue of each of sections 23 to 30 is a special measure available in relation to a witness eligible for assistance by virtue of section 16; and
- (b) the provision which may be made by such a direction by virtue of each of sections 23 to 28 is a special measure available in relation to a witness eligible for assistance by virtue of section 17;
- but this subsection has effect subject to subsection (2).
- (2) Where (apart from this subsection) a special measure would, in accordance with subsection (1)(a) or (b), be available in relation to a witness in any proceedings, it shall not be taken by a court to be available in relation to the witness unless—
- (a) the court has been notified by the Secretary of State that relevant arrangements may be made available in the area in which it appears to the court that the proceedings will take place, and
- (b) the notice has not been withdrawn.
- (3) In subsection (2) "relevant arrangements" means arrangements for implementing the measure in question which cover the witness and the proceedings in question.
- (4) The withdrawal of a notice under that subsection relating to a special measure shall not affect the availability of that measure in relation to a witness if a special measures direction providing for that measure to apply to the witness's evidence has been made by the court before the notice is withdrawn.
- (5) The Secretary of State may by order make such amendments of this Chapter as he considers appropriate for altering the special measures which, in accordance with subsection (1)(a) or (b), are available in relation to a witness eligible for assistance by virtue of section 16 or (as the case may be) section 17, whether—
- (a) by modifying the provisions relating to any measure for the time being available in relation to such a witness,
- (b) by the addition—
- (i) (with or without modifications) of any measure which is for the time being available in relation to a witness eligible for assistance by virtue of the other of those sections, or
- (ii) of any new measure, or
- (c) by the removal of any measure.

19.— Special measures direction relating to eligible witness.

- (1) This section applies where in any criminal proceedings—
- (a) a party to the proceedings makes an application for the court to give a direction under this section in relation to a witness in the proceedings other than the accused, or
- (b) the court of its own motion raises the issue whether such a direction should be given.
- (2) Where the court determines that the witness is eligible for assistance by virtue of section 16 or 17, the court must then—
- (a) determine whether any of the special measures available in relation to the witness (or any combination of them) would, in its opinion, be likely to improve the quality of evidence given by the witness; and
- (b) if so—
- (i) determine which of those measures (or combination of them) would, in its opinion, be likely to maximise so far as practicable the quality of such evidence; and
- (ii) give a direction under this section providing for the measure or measures so determined to apply to evidence given by the witness.
- (3) In determining for the purposes of this Chapter whether any special measure or measures would or would not be likely to improve, or to maximise so far as practicable, the quality of evidence given by the witness, the court must consider all the circumstances of the case, including in particular—
- (a) any views expressed by the witness; and
- (b) whether the measure or measures might tend to inhibit such evidence being effectively tested by a party to the proceedings.
- (4) A special measures direction must specify particulars of the provision made by the direction in respect of each special measure which is to apply to the witness's evidence.
- (5) In this Chapter "special measures direction" means a direction under this section.
- (6) Nothing in this Chapter is to be regarded as affecting any power of a court to make an order or give leave of any description (in the exercise of its inherent jurisdiction or otherwise)—
- (a) in relation to a witness who is not an eligible witness, or
- (b) in relation to an eligible witness where (as, for example, in a case where a foreign language interpreter is to be provided) the order is made or the leave is given otherwise than by reason of the fact that the witness is an eligible witness.

20.— Further provisions about directions: general.

- (1) Subject to subsection (2) and section 21(8), a special measures direction has binding effect from the time it is made until the proceedings for the purposes of which it is made are either—
- (a) determined (by acquittal, conviction or otherwise), or
- (b) abandoned,
- in relation to the accused or (if there is more than one) in relation to each of the accused.
- (2) The court may discharge or vary (or further vary) a special measures direction if it appears to the court to be in the interests of justice to do so, and may do so either—
- (a) on an application made by a party to the proceedings, if there has been a material change of circumstances since the relevant time, or
- (b) of its own motion.
- (3) In subsection (2) "the relevant time" means —
- (a) the time when the direction was given, or
- (b) if a previous application has been made under that subsection, the time when the application (or last application) was made.
- (4) Nothing in section 24(2) and (3), 27(4) to (7) or 28(4) to (6) is to be regarded as affecting the power of the court to vary or discharge a special measures direction under subsection (2).

- (5) The court must state in open court its reasons for—
- (a) giving or varying,
 - (b) refusing an application for, or for the variation or discharge of, or
 - (c) discharging,
- a special measures direction and, if it is a magistrates' court, must cause them to be entered in the register of its proceedings.
- (6) Criminal Procedure Rules may make provision—
- (a) for uncontested applications to be determined by the court without a hearing;
 - (b) for preventing the renewal of an unsuccessful application for a special measures direction except where there has been a material change of circumstances;
 - (c) for expert evidence to be given in connection with an application for, or for varying or discharging, such a direction;
 - (d) for the manner in which confidential or sensitive information is to be treated in connection with such an application and in particular as to its being disclosed to, or withheld from, a party to the proceedings.

21.— Special provisions relating to child witnesses.

- (1) For the purposes of this section—
- (a) a witness in criminal proceedings is a "child witness" if he is an eligible witness by reason of section 16(1)(a) (whether or not he is an eligible witness by reason of any other provision of section 16 or 17); and
- ...
- (c) a "relevant recording", in relation to a child witness, is a video recording of an interview of the witness made with a view to its admission as evidence in chief of the witness.
- (2) Where the court, in making a determination for the purposes of section 19(2), determines that a witness in criminal proceedings is a child witness, the court must—
- (a) first have regard to subsections (3) to (4C) below; and
 - (b) then have regard to section 19(2);
- and for the purposes of section 19(2), as it then applies to the witness, any special measures required to be applied in relation to him by virtue of this section shall be treated as if they were measures determined by the court, pursuant to section 19(2)(a) and (b)(i), to be ones that (whether on their own or with any other special measures) would be likely to maximise, so far as practicable, the quality of his evidence.
- (3) The primary rule in the case of a child witness is that the court must give a special measures direction in relation to the witness which complies with the following requirements—
- (a) it must provide for any relevant recording to be admitted under section 27 (video recorded evidence in chief); and
 - (b) it must provide for any evidence given by the witness in the proceedings which is not given by means of a video recording (whether in chief or otherwise) to be given by means of a live link in accordance with section 24.
- (4) The primary rule is subject to the following limitations—
- (a) the requirement contained in subsection (3)(a) or (b) has effect subject to the availability (within the meaning of section 18(2)) of the special measure in question in relation to the witness;
 - (b) the requirement contained in subsection (3)(a) also has effect subject to section 27(2); ...
 - (ba) if the witness informs the court of the witness's wish that the rule should not apply or should apply only in part, the rule does not apply to the extent that the court is satisfied that not complying with the rule would not diminish the quality of the witness's evidence; and
 - (c) the rule does not apply to the extent that the court is satisfied that compliance with it would not be likely to maximise the quality of the witness's evidence so far as practicable (whether because the application to that evidence of one or more other special measures available in relation to the witness would have that result or for any other reason).
- (4A) Where as a consequence of all or part of the primary rule being disapplied under subsection (4)(ba) a witness's evidence or any part of it would fall to be given as testimony in court, the court must give a special measures direction making such provision as is described in section 23 for the evidence or that part of it.
- (4B) The requirement in subsection (4A) is subject to the following limitations—
- (a) if the witness informs the court of the witness's wish that the requirement in subsection (4A) should not apply, the requirement does not apply to the extent that the court is satisfied that not complying with it would not diminish the quality of the witness's evidence; and
 - (b) the requirement does not apply to the extent that the court is satisfied that making such a provision would not be likely to maximise the quality of the witness's evidence so far as practicable (whether because the application to that evidence of one or more other special measures available in relation to the witness would have that result or for any other reason).
- (4C) In making a decision under subsection (4)(ba) or (4B)(a), the court must take into account the following factors (and any others it considers relevant)—
- (a) the age and maturity of the witness;
 - (b) the ability of the witness to understand the consequences of giving evidence otherwise than in accordance with the requirements in subsection (3) or (as the case may be) in accordance with the requirement in subsection (4A);
 - (c) the relationship (if any) between the witness and the accused;
 - (d) the witness's social and cultural background and ethnic origins;
 - (e) the nature and alleged circumstances of the offence to which the proceedings relate.
- ...
- (8) Where a special measures direction is given in relation to a child witness who is an eligible witness by reason only of section 16(1)(a), then—
- (a) subject to subsection (9) below, and
 - (b) except where the witness has already begun to give evidence in the proceedings,
- the direction shall cease to have effect at the time when the witness attains the age of 18.
- (9) Where a special measures direction is given in relation to a child witness who is an eligible witness by reason only of section 16(1)(a) and—
- (a) the direction provides—
- (i) for any relevant recording to be admitted under section 27 as evidence in chief of the witness, or
 - (ii) for the special measure available under section 28 to apply in relation to the witness, and
 - (b) if it provides for that special measure to so apply, the witness is still under the age of 18 when the video recording is made for the purposes of section 28,
- then, so far as it provides as mentioned in paragraph (a)(i) or (ii) above, the direction shall continue to have effect in accordance with section 20(1) even though the witness subsequently attains that age.

22.— Extension of provisions of section 21 to certain witnesses over 18.

- (1) For the purposes of this section—
- (a) a witness in criminal proceedings (other than the accused) is a "qualifying witness" if he—
- (i) is not an eligible witness at the time of the hearing (as defined by section 16(3)), but
 - (ii) was under the age of 18 when a relevant recording was made; and
- ...
- (c) a "relevant recording", in relation to a witness, is a video recording of an interview of the witness made with a view to its admission as evidence in chief of the witness.
- (2) Subsections (2) to (4) and (4C) of section 21, so far as relating to the giving of a direction complying with the requirement contained in section 21(3)(a), apply to a qualifying witness in respect of the relevant recording as they apply to a child witness (within the meaning of that section).

22A Special provisions relating to sexual offences

- (1) This section applies where in criminal proceedings relating to a sexual offence (or to a sexual offence and other offences) the complainant in respect of that offence is a witness in the proceedings.
- (2) This section does not apply if the place of trial is a magistrates' court.
- (3) This section does not apply if the complainant is an eligible witness by reason of section 16(1)(a) (whether or not the complainant is an eligible witness by reason of any other provision of section 16 or 17).
- (4) If a party to the proceedings makes an application under section 19(1)(a) for a special measures direction in relation to the complainant, the party may request that the direction provide for any relevant recording to be admitted under section 27 (video recorded evidence in chief).
- (5) Subsection (6) applies if—
- (a) a party to the proceedings makes a request under subsection (4) with respect to the complainant, and
 - (b) the court determines for the purposes of section 19(2) that the complainant is eligible for assistance by virtue of section 16(1)(b) or 17.
- (6) The court must—
- (a) first have regard to subsections (7) to (9); and
 - (b) then have regard to section 19(2);
- and for the purposes of section 19(2), as it then applies to the complainant, any special measure required to be applied in relation to the complainant by virtue of this section is to be treated as if it were a measure determined by the court, pursuant to section 19(2)(a) and (b)(i), to be one that (whether on its own or with any other special measures) would be likely to maximise, so far as practicable, the quality of the complainant's evidence.
- (7) The court must give a special measures direction in relation to the complainant that provides for any relevant recording to be admitted under section 27.
- (8) The requirement in subsection (7) has effect subject to section 27(2).
- (9) The requirement in subsection (7) does not apply to the extent that the court is satisfied that compliance with it would not be likely to maximise the quality of the complainant's evidence so far as practicable (whether because the application to that evidence of one or more other special measures available in relation to the complainant would have that result or for any other reason).
- (10) In this section "relevant recording", in relation to a complainant, is a video recording of an interview of the complainant made with a view to its admission as the evidence in chief of the complainant.

23.— Screening witness from accused.

- (1) A special measures direction may provide for the witness, while giving testimony or being sworn in court, to be prevented by means of a screen or other arrangement from seeing the accused.
- (2) But the screen or other arrangement must not prevent the witness from being able to see, and to be seen by—
- (a) the judge or justices (or both) and the jury (if there is one);
 - (b) legal representatives acting in the proceedings; and
 - (c) any interpreter or other person appointed (in pursuance of the direction or otherwise) to assist the witness.
- (3) Where two or more legal representatives are acting for a party to the proceedings, subsection (2)(b) is to be regarded as satisfied in relation to those representatives if the witness is able at all material times to see and be seen by at least one of them.

24.— Evidence by live link.

(1) A special measures direction may provide for the witness to give evidence by means of a live link.

(1A) Such a direction may also provide for a specified person to accompany the witness while the witness is giving evidence by live link.

(1B) In determining who may accompany the witness, the court must have regard to the wishes of the witness.

(2) Where a direction provides for the witness to give evidence by means of a live link, the witness may not give evidence in any other way without the permission of the court.

(3) The court may give permission for the purposes of subsection (2) if it appears to the court to be in the interests of justice to do so, and may do so either—

(a) on an application by a party to the proceedings, if there has been a material change of circumstances since the relevant time, or

(b) of its own motion.

(4) In subsection (3) “the relevant time” means —

(a) the time when the direction was given, or

(b) if a previous application has been made under that subsection, the time when the application (or last application) was made.

...

(8) In this Chapter “live link” means a live television link or other arrangement whereby a witness, while absent from the courtroom or other place where the proceedings are being held, is able to see and hear a person there and to be seen and heard by the persons specified in section 23(2)(a) to (c).

25.— Evidence given in private.

(1) A special measures direction may provide for the exclusion from the court, during the giving of the witness's evidence, of persons of any description specified in the direction.

(2) The persons who may be so excluded do not include—

(a) the accused,

(b) legal representatives acting in the proceedings, or

(c) any interpreter or other person appointed (in pursuance of the direction or otherwise) to assist the witness.

(3) A special measures direction providing for representatives of news gathering or reporting organisations to be so excluded shall be expressed not to apply to one named person who—

(a) is a representative of such an organisation, and

(b) has been nominated for the purpose by one or more such organisations,

unless it appears to the court that no such nomination has been made.

(4) A special measures direction may only provide for the exclusion of persons under this section where—

(a) the proceedings relate to a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015; or

(b) it appears to the court that there are reasonable grounds for believing that any person other than the accused has sought, or will seek, to intimidate the witness in connection with testifying in the proceedings.

(5) Any proceedings from which persons are excluded under this section (whether or not those persons include representatives of news gathering or reporting organisations) shall nevertheless be taken to be held in public for the purposes of any privilege or exemption from liability available in respect of fair, accurate and contemporaneous reports of legal proceedings held in public.

26. Removal of wigs and gowns.

A special measures direction may provide for the wearing of wigs or gowns to be dispensed with during the giving of the witness's evidence.

27.— Video recorded evidence in chief.

(1) A special measures direction may provide for a video recording of an interview of the witness to be admitted as evidence in chief of the witness.

(2) A special measures direction may, however, not provide for a video recording, or a part of such a recording, to be admitted under this section if the court is of the opinion, having regard to all the circumstances of the case, that in the interests of justice the recording, or that part of it, should not be so admitted.

(3) In considering for the purposes of subsection (2) whether any part of a recording should not be admitted under this section, the court must consider whether any prejudice to the accused which might result from that part being so admitted is outweighed by the desirability of showing the whole, or substantially the whole, of the recorded interview.

(4) Where a special measures direction provides for a recording to be admitted under this section, the court may nevertheless subsequently direct that it is not to be so admitted if—

(a) it appears to the court that—

(i) the witness will not be available for cross-examination (whether conducted in the ordinary way or in accordance with any such direction), and

(ii) the parties to the proceedings have not agreed that there is no need for the witness to be so available; or

(b) any Criminal Procedure Rules requiring disclosure of the circumstances in which the recording was made have not been complied with to the satisfaction of the court.

(5) Where a recording is admitted under this section—

(a) the witness must be called by the party tendering it in evidence, unless—

(i) a special measures direction provides for the witness's evidence on cross-examination to be given in any recording admissible under section 28, or

(ii) the parties to the proceedings have agreed as mentioned in subsection (4)(a)(ii); and

(b) the witness may not without the permission of the court give evidence in chief otherwise than by means of the recording as to any matter which, in the opinion of the court, is dealt with in the witness's recorded testimony.

(6) Where in accordance with subsection (2) a special measures direction provides for part only of a recording to be admitted under this section, references in subsections (4) and (5) to the recording or to the witness's recorded testimony are references to the part of the recording or testimony which is to be so admitted.

(7) The court may give permission for the purposes of subsection (5)(b) if it appears to the court to be in the interests of justice to do so, and may do so either—

(a) on an application by a party to the proceedings, ... or

(b) of its own motion.

...

(9) The court may, in giving permission for the purposes of subsection (5)(b), direct that the evidence in question is to be given by the witness by means of a live link

(9A) If the court directs under subsection (9) that evidence is to be given by live link, it may also make such provision in that direction as it could make under section 24(1A) in a special measures direction.

...

(11) Nothing in this section affects the admissibility of any video recording which would be admissible apart from this section.

28.— Video recorded cross-examination or re-examination.

(1) Where a special measures direction provides for a video recording to be admitted under section 27 as evidence in chief of the witness, the direction may also provide—

(a) for any cross-examination of the witness, and any re-examination, to be recorded by means of a video recording; and

(b) for such a recording to be admitted, so far as it relates to any such cross-examination or re-examination, as evidence of the witness under cross-examination or on re-examination, as the case may be.

(2) Such a recording must be made in the presence of such persons as Criminal Procedure Rules or the direction may provide and in the absence of the accused, but in circumstances in which—

(a) the judge or justices (or both) and legal representatives acting in the proceedings are able to see and hear the examination of the witness and to communicate with the persons in whose presence the recording is being made, and

(b) the accused is able to see and hear any such examination and to communicate with any legal representative acting for him.

(3) Where two or more legal representatives are acting for a party to the proceedings, subsection (2)(a) and (b) are to be regarded as satisfied in relation to those representatives if at all material times they are satisfied in relation to at least one of them.

(4) Where a special measures direction provides for a recording to be admitted under this section, the court may nevertheless subsequently direct that it is not to be so admitted if any requirement of subsection (2) or Criminal Procedure Rules or the direction has not been complied with to the satisfaction of the court.

(5) Where in pursuance of subsection (1) a recording has been made of any examination of the witness, the witness may not be subsequently cross-examined or re-examined in respect of any evidence given by the witness in the proceedings (whether in any recording admissible under section 27 or this section or otherwise than in such a recording) unless the court gives a further special measures direction making such provision as is mentioned in subsection (1)(a) and (b) in relation to any subsequent cross-examination, and re-examination, of the witness.

(6) The court may only give such a further direction if it appears to the court—

(a) that the proposed cross-examination is sought by a party to the proceedings as a result of that party having become aware, since the time when the original recording was made in pursuance of subsection (1), of a matter which that party could not with reasonable diligence have ascertained by then, or

(b) that for any other reason it is in the interests of justice to give the further direction.

(7) Nothing in this section shall be read as applying in relation to any cross-examination of the witness by the accused in person (in a case where the accused is to be able to conduct any such cross-examination).

29.— Examination of witness through intermediary.

(1) A special measures direction may provide for any examination of the witness (however and wherever conducted) to be conducted through an interpreter or other person approved by the court for the purposes of this section (“an intermediary”).

(2) The function of an intermediary is to communicate—

(a) to the witness, questions put to the witness, and

(b) to any person asking such questions, the answers given by the witness in reply to them,

and to explain such questions or answers so far as necessary to enable them to be understood by the witness or person in question.

(3) Any examination of the witness in pursuance of subsection (1) must take place in the presence of such persons as Criminal Procedure Rules or the direction may provide, but in circumstances in which—

(a) the judge or justices (or both) and legal representatives acting in the proceedings are able to see and hear the examination of the witness and to communicate with the intermediary, and

(b) (except in the case of a video recorded examination) the jury (if there is one) are able to see and hear the examination of the witness.

(4) Where two or more legal representatives are acting for a party to the proceedings, subsection (3)(a) is to be regarded as satisfied in relation to those representatives if at all material times it is satisfied in relation to at least one of them.

(5) A person may not act as an intermediary in a particular case except after making a declaration, in such form as may be prescribed by Criminal Procedure Rules, that he will faithfully perform his function as intermediary.

(6) Subsection (1) does not apply to an interview of the witness which is recorded by means of a video recording with a view to its admission as evidence in chief of the witness; but a special measures direction may provide for such a recording to be admitted under section 27 if the interview was conducted through an intermediary and—

(a) that person complied with subsection (5) before the interview began, and

(b) the court's approval for the purposes of this section is given before the direction is given.

(7) Section 1 of the Perjury Act 1911 (perjury) shall apply in relation to a person acting as an intermediary as it applies in relation to a person lawfully sworn as an interpreter in a judicial proceeding; and for this purpose, where a person acts as an intermediary in any proceeding which is not a judicial proceeding for the purposes of that section, that proceeding shall be taken to be part of the judicial proceeding in which the witness's evidence is given.

30. Aids to communication.

A special measures direction may provide for the witness, while giving evidence (whether by testimony in court or otherwise), to be provided with such device as the court considers appropriate with a view to enabling questions or answers to be communicated to or by the witness despite any disability or disorder or other impairment which the witness has or suffers from.

31.— Status of evidence given under Chapter I.

(1) Subsections (2) to (4) apply to a statement made by a witness in criminal proceedings which, in accordance with a special measures direction, is not made by the witness in direct oral testimony in court but forms part of the witness's evidence in those proceedings.

(2) The statement shall be treated as if made by the witness in direct oral testimony in court; and accordingly—

(a) it is admissible evidence of any fact of which such testimony from the witness would be admissible;

(b) it is not capable of corroborating any other evidence given by the witness.

(3) Subsection (2) applies to a statement admitted under section 27 or 28 which is not made by the witness on oath even though it would have been required to be made on oath if made by the witness in direct oral testimony in court.

(4) In estimating the weight (if any) to be attached to the statement, the court must have regard to all the circumstances from which an inference can reasonably be drawn (as to the accuracy of the statement or otherwise).

(5) Nothing in this Chapter (apart from subsection (3)) affects the operation of any rule of law relating to evidence in criminal proceedings.

(6) Where any statement made by a person on oath in any proceeding which is not a judicial proceeding for the purposes of section 1 of the Perjury Act 1911 (perjury) is received in evidence in pursuance of a special measures direction, that proceeding shall be taken for the purposes of that section to be part of the judicial proceeding in which the statement is so received in evidence.

(7) Where in any proceeding which is not a judicial proceeding for the purposes of that Act—

(a) a person wilfully makes a false statement otherwise than on oath which is subsequently received in evidence in pursuance of a special measures direction, and

(b) the statement is made in such circumstances that had it been given on oath in any such judicial proceeding that person would have been guilty of perjury,

he shall be guilty of an offence and liable to any punishment which might be imposed on conviction of an offence under section 57(2) (giving of false unsworn evidence in criminal proceedings).

(8) In this section "statement" includes any representation of fact, whether made in words or otherwise.

32. Warning to jury.

Where on a trial on indictment with a jury evidence has been given in accordance with a special measures direction, the judge must give the jury such warning (if any) as the judge considers necessary to ensure that the fact that the direction was given in relation to the witness does not prejudice the accused.

33.— Interpretation etc. of Chapter I.

(1) In this Chapter—

"eligible witness" means a witness eligible for assistance by virtue of section 16 or 17;

"live link" has the meaning given by section 24(8);

"quality", in relation to the evidence of a witness, shall be construed in accordance with section 16(5);

"special measures direction" means (in accordance with section 19(5)) a direction under section 19.

(2) In this Chapter references to the special measures available in relation to a witness shall be construed in accordance with section 18.

(3) In this Chapter references to a person being able to see or hear, or be seen or heard by, another person are to be read as not applying to the extent that either of them is unable to see or hear by reason of any impairment of eyesight or hearing.

(4) In the case of any proceedings in which there is more than one accused—

(a) any reference to the accused in sections 23 to 28 may be taken by a court, in connection with the giving of a special measures direction, as a reference to all or any of the accused, as the court may determine, and

(b) any such direction may be given on the basis of any such determination.

(5) For the purposes of this Chapter as it applies in relation to a witness who is the complainant in respect of a relevant offence, where the age of the witness is uncertain and there are reasons to believe that the witness is under the age of 18, that witness is presumed to be under the age of 18.

(6) In subsection (5) "relevant offence" means—

(a) a sexual offence;

(b) an offence under section 1 of the Protection of Children Act 1978;

(c) an offence under section 160 of the Criminal Justice Act 1988;

(d) an offence under section 1 or 2 of the Modern Slavery Act 2015.

B1

Armed Forces (Forfeitures and Deductions) Regulations 2009

Part 1 FORFEITURES AND DEDUCTIONS

2. Interpretation

In these Regulations—

“the Act” means the Armed Forces Act 2006 and, unless expressly provided otherwise, a reference in these Regulations to a numbered section is a reference to that section of the Act;

“AA 1955” means the Army Act 1955;

“AFA 1955” means the Air Force Act 1955;

“NDA 1957” means the Naval Discipline Act 1957;

“the 2000 Council Regulation” means Council Regulation (EC) No 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

“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;

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

8. Deduction from pay — external maintenance order

(1) This regulation applies with respect to a maintenance order of a court, tribunal or person outside the United Kingdom and the Sovereign Base Areas (an “external maintenance order”).

(2) Subject to paragraph (4), if an external maintenance order has been registered in or confirmed by a court in the United Kingdom, the Defence Council, or an officer authorised by them, may make an order authorising a deduction to be made from the pay of a relevant person and to be appropriated in or towards satisfaction of a payment which he is required to make under the maintenance order as so registered or confirmed, subject to any variation for the time being made to the maintenance order by such a court.

(2A) Subject to paragraph (5), if an external maintenance order is enforceable in the United Kingdom without prior registration by virtue of Section 1 of Chapter IV of the Maintenance Regulation, the Defence Council, or an officer authorised by them, may make an order authorising a deduction to be made from the pay of a relevant person and to be appropriated in or towards satisfaction of a payment which he is required to make under the maintenance order.

(3) Subject to paragraph (5), if an external maintenance order has not been registered in or confirmed by a court in the United Kingdom, but the Defence Council are, or the authorised officer is, satisfied either—

(a) that the maintenance order is capable of being registered in a court in the United Kingdom, or

(b) that the maintenance order would be capable of being so registered but for the fact that the relevant person is serving in the Armed Forces outside the United Kingdom, the Defence Council or the authorised officer may make an order authorising a deduction to be made from the pay of a relevant person and to be appropriated in or towards satisfaction of a payment which he is required to make under the maintenance order.

(4) An order made under paragraph (2) may only authorise a deduction to be made on or after the date on which the payment is required to be made under the maintenance order as registered in, or confirmed by, the court in the United Kingdom, including any variation for the time being made to that order by such a court.

(5) An order made under paragraph (2A) or (2)(3) may only authorise a deduction to be made on or after the date on which the payment is required to be made under the maintenance order.

(6) An order made under paragraph (3) may provide—

(a) that it shall continue in force for a specified period, or

(b) that it shall continue in force until the occurrence of a specified event,

and for the earlier termination of the order if a specified event has not occurred within a specified period.

(7) Subject to paragraphs (4) and (5), the Defence Council, or an officer authorised by them, may by order vary an order made under this regulation.

(8) The Defence Council, or an officer authorised by them, may by order revoke an order made under this regulation.

(9) The Defence Council, or an officer authorised by them, may treat an order made under this regulation as being in suspense during any period in which the relevant person's pay is suspended.

(10) In this regulation—

(a) a reference to a maintenance order being registered in a court in the United Kingdom means registered in such a court under—

(i) the Maintenance Orders (Facilities for Enforcement) Act 1920;

(ii) Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1972;

(iii) Part 1 of the Civil Jurisdiction and Judgments Act 1982;

(iv) the 2000 Council Regulation; or

(v) Section 2 of Chapter IV of the Maintenance Regulation; or

(vi) the 2007 Hague Convention.

9. “Maintenance order”, “spouse” and “civil partner”

(1) Subject to paragraph (2), in regulations 7 and 8 “maintenance order” means an order requiring a relevant person to make a payment for or in respect of—

(a) the maintenance of his spouse or civil partner;

(b) the maintenance of any child of his, his spouse or his civil partner;

(c) the maintenance of any other child who has been treated by him and his spouse, or by him and his civil partner, as a child of their family;

(d) any costs incurred in obtaining an order within sub-paragraph (a), (b) or (c); or

(e) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of an order within sub-paragraph (a), (b) or (c).

(2) For the purposes of regulation 8, “order” in paragraph (1) includes an authentic instrument or court settlement as referred to in—

(a) section 13 of the Civil Jurisdiction and Judgments Act 1982,

(b) the 2000 Council Regulation, or

(c) the Maintenance Regulation,

and the expression “maintenance order” is to be read accordingly.

(2A) For the purposes of regulation 8, a reference to a maintenance order is to include a reference to a maintenance arrangement which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of the 2007 Hague Convention.

(3) References in paragraph (1) to the spouse of a relevant person include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to the person who would have been his spouse if the marriage had subsisted.

(4) References in paragraph (1) to the civil partner of a relevant person include, in relation to an order made in proceedings in connection with the dissolution or annulment of a civil partnership, references to the person who would have been his civil partner if the civil partnership had subsisted.

11.— Deduction from pay — judgment or order enforceable by a United Kingdom court

(1) Subject to paragraphs (2) and (3), the Defence Council, or an officer authorised by them, may make an order authorising a deduction to be made from the pay of a relevant person and to be appropriated in or towards satisfaction of any amount required to be paid by him by virtue of any judgment or order enforceable by a court in the United Kingdom.

(2) Paragraph (1) shall not apply to—

(a) a relevant sum within regulation 4(1);

(b) any payment in respect of which a deduction may be authorised under regulation 7(1), 8(2) or 8(2A); or

(c) any sum in respect of which a deduction may be made by virtue of section 32(2)(b) of the Court Martial Appeals Act 1968 2.

(3) An order made under paragraph (1) may only authorise a deduction to be made on or after the date on which the amount is required to be paid.

(4) Subject to paragraph (3), the Defence Council, or an officer authorised by them, may by order vary an order made under paragraph (1).

(5) The Defence Council, or an officer authorised by them, may by order revoke an order made under paragraph (1).

(6) The Defence Council, or an officer authorised by them, may treat an order made under paragraph (1) as being in suspense during any period in which the relevant person's pay is suspended.

B2

Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997

2

The High Court in England and Wales or Northern Ireland shall have power to grant interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982 in relation to proceedings of the following descriptions, namely—

- (a) proceedings commenced or to be commenced otherwise than in a Brussels Contracting State, a State bound by the Lugano Convention, a 2005 Hague Convention State or a Regulation State;
- (b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation.

B3

Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001

Article 1

(1) This Order may be cited as the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001 and shall come into force on 1st March 2002.

(2) In this Order—

"the Act" means the Civil Jurisdiction and Judgments Act 1982;

"the Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

"Regulation State" in any provision, in the application of that provision in relation to the Regulation, means a Member State;

"the 2001 Order" means the Civil Jurisdiction and Judgments Order 2001.

(3) In this Order—

(a) references to authentic instruments and court settlements are references to those instruments and settlements referred to in Chapter IV of the Regulation; and

(b) references to judgments and maintenance orders are references to judgments ... to which the Regulation applies.

Article 2

(1) Subject to the modifications specified in paragraphs (2) and (3), paragraphs 1 to 6 of Schedule 1 to the 2001 Order shall apply, as appropriate, to authentic instruments and court settlements which—

(a) do not concern maintenance as if they were judgments.

...

(2) In the application of paragraph 2(2) of Schedule 1 to the 2001 Order to authentic instruments and court settlements, for the words "as if the judgment had been originally given" there shall be substituted "as if it was a judgment which had been originally given".

(3) In the application of paragraph 3(3) of Schedule 1 to the 2001 Order to authentic instruments and court settlements, for the words "as if the order had been originally made" there shall be substituted the words "as if it was an order which had been originally made".

(4) Paragraph 8 of Schedule 1 to the 2001 Order shall apply to authentic instruments as if they were judgments and in its application—

(a) for sub-paragraph (1)(b) there shall be substituted the following—

"(b) a certificate obtained in accordance with Articles 58 and 60 and Annex II shall be evidence, and in Scotland sufficient evidence, that the authentic instrument is enforceable in the Regulation State of origin."

; and

(b) for sub-paragraph (2) there shall be substituted the following—

"(2) A document purporting to be a copy of an authentic instrument enforceable ... in a Regulation State other than the United Kingdom is duly authenticated for the purposes of this paragraph if it purports to be certified to be a true copy of such an instrument by a person duly authorised in that Regulation State to do so."

(5) Paragraph 8 of Schedule 1 to the 2001 Order shall apply to court settlements as if they were judgments and in its application for "Article 53" there shall be substituted "Article 60".

Article 3

The disapplication of section 18 of the Act (enforcement of United Kingdom judgments in other parts of the United Kingdom) by section 18(7) will extend to authentic instruments and court settlements enforceable in a Regulation State outside the United Kingdom which will fall to be treated for the purposes of their enforcement as judgments of a court of law in the United Kingdom by virtue of enforcement under the Regulation.

Article 4

Section 48 of the Act (matters for which rules of court may provide) will apply to authentic instruments and court settlements as if they were judgments ..., to which the Regulation applies.

B4

Civil Jurisdiction and Judgments (Maintenance) Regulations 2011

Preamble

The Secretary of State for Justice, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to private international law 2, makes the following Regulations in exercise of the power under section 2(2) of the European Communities Act 1972.

2. Interpretation

In these Regulations—

“the Act” means the Civil Jurisdiction and Judgments Act 1982;

“the Order” means the Civil Jurisdiction and Judgments Order 2001;

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark 3;

“Maintenance Regulation State” in any provision, in the application of that provision in relation to the Maintenance Regulation, refers to any of the Member States.

3. The Maintenance Regulation

Schedule 1 (which contains provisions relating to the enforcement of maintenance decisions pursuant to the Maintenance Regulation) has effect.

4. Provisions relating to information

Schedule 2 (which contains provisions relating to access to, and the transmission and use of, information) has effect.

5. Provisions relating to authentic instruments and court settlements

Schedule 3 (which contains provisions relating to authentic instruments and court settlements) has effect.

6. Amendments to the Civil Jurisdiction and Judgments Act 1982

Schedule 4 (which makes amendments to the Act) has effect.

7. Amendments to the Civil Jurisdiction and Judgments Order 2001

Schedule 5 (which makes amendments to the Order) has effect.

8. Allocation of jurisdiction within the United Kingdom

Schedule 6 (which contains rules for the allocation of jurisdiction within the United Kingdom in relation to maintenance) has effect.

9. Consequential amendments

Schedule 7 (which makes consequential amendments) has effect.

10.— Review

(1) Before the end of each review period, the Secretary of State must—

(a) carry out a review of the provisions of these Regulations,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The review shall relate to the operation of these Regulations as they affect England and Wales only.

(3) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Maintenance Regulation has been given effect in other Member States.

(4) The report must in particular—

(a) set out the objectives intended to be achieved by the provisions of these Regulations,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate, and, if so, the extent to which they could be achieved in a manner that imposes less regulation.

(5) “Review period” means—

(a) the period of five years beginning with the day on which these Regulations come into force, and

(b) subject to paragraph (6), each successive period of five years.

(6) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Schedule 1 THE MAINTENANCE REGULATION

1.— Interpretation

(1) In this Schedule—

“court” includes a tribunal, and any administrative authority which is a court for the purposes of the Maintenance Regulation by virtue of Article 2(2) of that Regulation;

“debtor”, in relation to a maintenance decision, means the person liable, or alleged to be liable, to make the payments for which that decision provides;

“maintenance decision” has the meaning given to “decision” by Article 2 of the Maintenance Regulation.

(2) In this Schedule—

(a) any reference to a numbered Article is a reference to the Article so numbered in the Maintenance Regulation and any reference to a sub-division of a numbered Article shall be construed accordingly;

(b) references to a registered decision include, to the extent of its registration, references to a decision so registered to a limited extent only.

(3) Anything authorised or required by the Maintenance Regulation or by this Schedule to be done by, to or before a particular magistrates’ court may be done by, to or before any magistrates’ court in Northern Ireland

(2) An application for enforcement is to be transmitted to the family court, the magistrates’ court or sheriff court designated for these purposes by rules of court (“the enforcing court”)—

(a) in England and Wales, by the Lord Chancellor,

(b) in Scotland, by the Scottish Ministers, and

(c) in Northern Ireland, by the Department of Justice.

(3) Jurisdiction in relation to applications for enforcement of such maintenance decisions lies with the courts for the part of the United Kingdom in which—

(a) the person against whom enforcement is sought is resident,

(b) assets belonging to that person and which are susceptible to enforcement are situated or held,

2.— Central Authorities

(1) The following are designated as Central Authorities under Article 49 of the Maintenance Regulation—

(a) in relation to England and Wales, the Lord Chancellor;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Northern Ireland, the Department of Justice.

(2) If a person outside the United Kingdom does not know to which Central Authority in the United Kingdom a communication should be addressed, the person may address it to the Lord Chancellor.

3. Application of Part 2

This Part shall apply to maintenance decisions made by courts in Maintenance Regulation States other than Denmark.

4.— Enforcement of maintenance decisions

(1) Subject to sub-paragraph (2), where a maintenance decision falls to be enforced in the United Kingdom under Section 1 of Chapter IV of the Maintenance Regulation, the court to which an application for enforcement is to be made is—

(a) in England and Wales, the family court,

(b) in Scotland, a sheriff court, and

(c) in Northern Ireland, a magistrates’ court.

(a) A maintenance decision which is enforceable in England and Wales by virtue of Section 2 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in the family court in the same manner as a maintenance order made by that court.

(a) in England and Wales, by the Lord Chancellor,

(b) in Scotland, by the Scottish Ministers, and

(c) in Northern Ireland, by the Department of Justice.

(3) Jurisdiction in relation to applications for enforcement of such maintenance decisions lies with the courts for the part of the United Kingdom in which—

(a) the person against whom enforcement is sought is resident,

(b) assets belonging to that person and which are susceptible to enforcement are situated or held,

(4) For the purposes of the enforcement of a maintenance decision—

(a) the decision shall be of the same force and effect,

(b) the enforcing 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 enforcing court.

(5) Sub-paragraph (4) is subject to sub-paragraphs (6) and (7).

-6

(a) A maintenance decision which is enforceable in England and Wales by virtue of Section 1 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in the family court in the same manner as a maintenance order made by that court.

(b) In this sub-paragraph "maintenance order" has the meaning given by section 1(10) of the Maintenance Enforcement Act 1991

(7) A maintenance decision which is enforceable in Northern Ireland by virtue of Section 1 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in a magistrates' court in Northern Ireland in the same manner as an order made by that court, save that Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 has effect as modified by section 5(6A) 9 of the Act.

(8) Sub-paragraph (4) is also subject to—

(a) Article 21 (application by debtor for refusal or suspension of enforcement);

(b) paragraph 8 below;

(c) any provision made by rules of court as to the procedure for the enforcement of maintenance decisions given in another Maintenance Regulation State.

-9

(a) The debtor under a maintenance decision which is or has been the subject of enforcement proceedings in England and Wales or Northern Ireland by virtue of Section 1 of Chapter IV of the Maintenance Regulation and these Regulations must give notice of any change of address to the court officer, or in Northern Ireland, the clerk, of the court in which enforcement proceedings have been, or are being, taken.

(b) A person who without reasonable excuse fails to comply with this sub-paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(10) An application for refusal or suspension of enforcement under Article 21(2) or (3) of the Maintenance Regulation shall be made—

(aa) in England and Wales, to the family court by way of application notice,

11

(a) in Northern Ireland, to a magistrates' court by way of complaint, and

(b) in Scotland, to a sheriff court by way of summary application.

5. Application of Part 3

This Part applies in relation to—

(a) maintenance decisions made by courts in Denmark, and

(b) maintenance decisions to which Sections 2 and 3 of Chapter IV of the Maintenance Regulation apply by virtue of Article 75(2)(a) or (b).

6.— Recognition and enforcement of maintenance orders

(1) Subject to sub-paragraph (2), the court to which an application for registration of a maintenance decision under Section 2 of Chapter IV of the Maintenance Regulation is to be made is—

(a) in England and Wales, the family court,

(b) in Scotland, a sheriff court, and

(c) in Northern Ireland, a magistrates' court.

(2) An application for registration is to be transmitted to the family court, the magistrates' court or sheriff court designated for these purposes by rules of court ("the registering court")—

(a) in England and Wales, by the Lord Chancellor,

(b) in Scotland, by the Scottish Ministers, and

(c) in Northern Ireland, by the Department of Justice.

(3) Where an application for registration of a maintenance decision is transmitted to a court—

(a) the decision may be registered for enforcement by the court, and

(b) if so registered, the decision shall be treated as having been declared enforceable for the purposes of Section 2 of Chapter IV of the Maintenance Regulation.

-4

(a) An application for registration shall be determined in the first instance by the prescribed officer of the registering court.

(b) In this sub-paragraph, "prescribed" means prescribed by rules of court.

(5) For the purposes of the enforcement of a registered maintenance decision—

(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.

(6) Sub-paragraph (5) is subject to sub-paragraphs (7) and (8).

-7

(a) A maintenance decision which is enforceable in England and Wales by virtue of Section 2 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in the family court in the same manner as a maintenance order made by that court.

(b) In this sub-paragraph "maintenance order" has the meaning given by section 1(10) of the Maintenance Enforcement Act 1991

(8) A maintenance decision which is enforceable in Northern Ireland by virtue of Section 2 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in a magistrates' court in Northern Ireland in the same manner as an order made by that court, save that Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 has effect as modified by section 5(6A) of the Act.

(9) Sub-paragraph (5) is also subject to—

(a) Article 36(3) (restriction on enforcement where appeal pending or time for appeal unexpired);

(b) paragraph 8 below;

(c) any provision made by rules of court as to the procedure for the enforcement of maintenance decisions registered under the Maintenance Regulation and these Regulations.

-10

(a) A maintenance decision which is enforceable in England and Wales by virtue of Section 2 of Chapter IV of the Maintenance Regulation and these Regulations shall be enforceable in the family court in the same manner as a maintenance order made by that court.

(b) A person who without reasonable excuse fails to comply with this sub-paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

7. Proceedings to contest decisions given on appeal in connection with applications for registration

An appeal under Article 33 may only be on a point of law and lies—

(a) in England and Wales, to the family court in accordance with section 111A 2 of the Magistrates' Courts Act 1980;

(b) in Scotland, to the Inner House of the Court of Session;

(c) in the court of appeal

8.— Interest on judgments

(1) Subject to sub-paragraphs (2) and (3) and rules of court as to the payment of interest under this paragraph, where a person applying for registration or enforcement of a maintenance decision shows that—

(a) the decision provides for the payment of a sum of money, and

(b) in accordance with the law of the Maintenance Regulation State in which the maintenance decision was given and the terms of the decision, interest on that sum is recoverable at a particular rate and from a particular date or time,

the debt resulting from registration or enforcement of the decision is to carry interest at that rate and from that date or time.

(2) In the case of an application for registration of a maintenance decision, interest is not recoverable unless the rate of interest and the date or time referred to in sub-paragraph (1)(b) are registered with the decision.

-3

(a) Interest on arrears of sums payable under a maintenance decision which falls to be enforced in the family court, or a magistrates' court in Northern Ireland by virtue of the Maintenance Regulation and these Regulations shall not be recoverable in that court.

(b) But this sub-paragraph does not affect the operation in relation to any such maintenance decision of section 11A of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 3 (which enables interest to be recovered if the decision is registered for enforcement in the High Court).

(4) Except as mentioned in sub-paragraph (3), debts under maintenance decisions enforceable in the United Kingdom by virtue of the Maintenance Regulation shall carry interest only as provided by this paragraph.

9.— Currency of payments under maintenance decisions

(1) Sums payable under a maintenance decision enforceable in the United Kingdom by virtue of the Maintenance Regulation, including any arrears so payable, shall be paid in sterling where an order is made on an application for enforcement in England and Wales, Scotland or Northern Ireland.

(2) Where the maintenance decision is expressed in any other currency, the amount shall be converted on the basis of the exchange rate prevailing on the date on which the application for enforcement or registration of the decision was received by a Central Authority in the United Kingdom for transmission to a court.

(3) For the purposes of this paragraph, a written certificate purporting to be signed by an officer of any bank in the United Kingdom and stating the exchange rate prevailing on a specified date shall be evidence of the facts stated (and in Scotland, sufficient evidence of those facts).

10.— Proof and admissibility of certain maintenance decisions and related documents

(1) For the purposes of proceedings relating to the Maintenance Regulation—

- (a) a document, duly authenticated, which purports to be a copy of a maintenance decision given by a court in a Maintenance Regulation State shall without further proof be deemed to be a true copy, unless the contrary is shown; and
 - (b) an extract from a maintenance decision issued by a court in a Maintenance Regulation State in accordance with Article 20 or Article 28 (as the case may be) shall be evidence that that decision is enforceable there.
- (2) A document purporting to be a copy of a maintenance decision given by a court mentioned in sub-paragraph (1)(a) is duly authenticated for the purposes of this paragraph if it purports—
- (a) to bear the seal of that court; or
 - (b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a maintenance decision given by that court.
- (3) Nothing in this paragraph shall prejudice the admission in evidence of any document which is admissible apart from this paragraph.

PART 5 ESTABLISHMENT AND MODIFICATION OF MAINTENANCE UNDER THE MAINTENANCE REGULATION

11.—

- (1) This paragraph applies to an application submitted under Article 56 for establishment or modification of a decision to the Lord Chancellor, in relation to England and Wales, or to the Department of Justice in relation to Northern Ireland.
- (2) Upon receipt of an application submitted under Article 56 for establishment or modification of a decision in England and Wales, the Lord Chancellor shall send that application to the court officer of the family court in the Maintenance Enforcement Business Centre for the area in which the respondent is residing.
- (3) Upon receipt of the application under sub-paragraph (2), the court officer of that court shall decide—
- (a) whether the courts of England and Wales have jurisdiction to determine the application by virtue of the Maintenance Regulation and Schedule 6 to these Regulations; and
 - (b) if so, whether the family court has power to make the decision or modification sought under the law in force in England and Wales.
- (4) Where the court officer decides under sub-paragraph (3)(a) that the courts of England and Wales do not have jurisdiction to determine the application, the court officer shall return the application to the Lord Chancellor with a written explanation of the reasons for that decision.
- (6) Subject to sub-paragraph (7), if the court officer decides under sub-paragraph (3)(b) that the family court has power to make the decision or modification sought, the court officer shall issue the application and serve it on the respondent.
- (7) If the respondent does not reside in the area covered by the Maintenance Enforcement Business Centre to which the application has been sent, the court officer shall—
- (a) if satisfied that the respondent is residing within the area covered by another Maintenance Enforcement Business Centre, send the application to the court officer of the family court in the Maintenance Enforcement Business Centre for that other area and inform the Lord Chancellor that it has been so sent; or
 - (b) if unable to establish where the respondent is residing, return the application to the Lord Chancellor.
- (8) A court officer who receives an application by virtue of sub-paragraph (7)(a) shall proceed under sub-paragraph (6) as if that court officer had decided that the family court has power to make the decision or modification sought
- (9) Where the court officer has determined in accordance with sub-paragraph (3)(b) that the family court has power to make the decision or modification sought, the application shall be treated for the purpose of establishment or modification of a decision under the Maintenance Regulation as an application under the law in force in England and Wales.
- (10) Sub-paragraphs (2) to (9) apply to an application submitted under Article 56 for establishment or modification of a decision in Northern Ireland to the Department of Justice in relation to Northern Ireland as if—
- (a) references to England and Wales were references to Northern Ireland;
 - (b) references to the Lord Chancellor were references to the Department of Justice;
 - (c) for " " court officer " " were substituted "clerk of petty sessions";
 - (e) references to the courts of England and Wales or to the family court were references to the courts of Northern Ireland;
- (ea) in sub-paragraph (2), there were omitted the words from "of the family court" to the end;
- (f) for sub-paragraph (3)(b) there were substituted—
- "(b) if so, whether the magistrates' court has power to make the decision or modification sought under—
- (i) the Domestic Proceedings (Northern Ireland) Order 1980; or
 - (ii) Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995."
- (g) after paragraph (4) there were inserted—
- "(5) Where the clerk of petty sessions decides under sub-paragraph (3)(b) that the magistrates' court does not have power to make the decision or modification sought, the clerk of petty sessions shall send the application to—
- (a) the High Court of Judicature; or
 - (b) a county court,
- as appears to the clerk of petty sessions to be appropriate.";
- (ga) for sub-paragraph (7) there were substituted—
- "(7) If the clerk of petty sessions is unable to establish where the respondent is residing, the clerk shall return the application to the Department of Justice."
- (gb) sub-paragraph (8) were omitted; and
- (h) in sub-paragraph (9) for "the law in force in England and Wales" there were substituted "the Domestic Proceedings (Northern Ireland) Order 1980 or Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995".
- (11) In this paragraph—
- "respondent" means the person who is alleged in an application for establishment of a decision under Article 56 to owe maintenance, or where the application is for modification of a decision, the person against whom the modification is sought;
- and a reference to an application is a reference to an application together with any documents which accompany it.

Schedule 2 PROVISIONS RELATING TO INFORMATION

1.—

- (1) The following are designated for the purposes of Article 61(1) of the Maintenance Regulation to provide the information referred to in Article 61(2) to the Central Authorities designated under paragraph 2 of Schedule 1—
- (a) the Secretary of State;
 - (b)
 - (c) Revenue and Customs officers ;
 - (d) the Department for Employment and Learning in Northern Ireland;
 - (e) the Department of the Environment in Northern Ireland;
 - (f) the Department of Finance and Personnel in Northern Ireland;
 - (g) the Department for Social Development in Northern Ireland.
- (2) The information to be supplied by the Secretary of State is limited to information held for functions relating to social security, child support or employment or training.
- (3) In sub-paragraph (2), "functions relating to social security" includes functions relating to statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992 and maternity allowance under section 35 of that Act.
- (4) In this Schedule, references to the Secretary of State include a person providing services to the Secretary of State in connection with the functions mentioned in sub-paragraph (2).

2

Subject to the provisions of Chapter VII of the Maintenance Regulation, the persons and authorities to whom the Central Authorities transmit information in accordance with Article 62(1) of that Regulation may process that information in any manner necessary to facilitate the adjudication and recovery of maintenance claims.

3.—

- (1) Information referred to in Article 61(2) of the Maintenance Regulation which is received by a Central Authority, from a body or person designated under paragraph 1 cannot be disclosed to another person unless the disclosure is in connection with a function of the Central Authority under, and is in accordance with, Chapter VII of the Maintenance Regulation.
- (2) Sub-paragraph (1) does not apply to—
- (a) the disclosure of information which is in the form of a summary or collection of information so framed as not to enable identification of any person from the information;
 - (b) disclosure which is made in pursuance of an order of a court;
 - (c) disclosure which is required by any other enactment.

4.—

- (1) Subject to sub-paragraph (3), a person who—
- (a) is or has been employed by a Central Authority designated under paragraph 2 of Schedule 1; or
 - (b) provides or has provided services to such a Central Authority,
- is guilty of an offence if that person discloses, otherwise than in accordance with paragraph 3, information referred to in Article 61(2) of the Maintenance Regulation which has been obtained from a person or body designated under paragraph 1 and which relates to a person whose identity is specified in the information disclosed or can be deduced from it.
- (2) It is a defence to prove that, at the time of the alleged offence, the person believed that the person was making the disclosure lawfully in accordance with this Schedule and the Maintenance Regulation, and had no reasonable cause to believe otherwise.
- (3) Sub-paragraph (1) does not apply to disclosure of information received by such a person—
- (a) from the Department for Employment and Learning in Northern Ireland, the Department of the Environment in Northern Ireland, or the Department of Finance and Personnel in Northern Ireland;
 - (b) from the Secretary of State where the information so disclosed is held by the Secretary of State for the purposes of employment and training only.

5

A person found guilty of an offence under this Schedule shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both.

6

In this Schedule, references to a Central Authority include persons employed by or supplying services to that Central Authority.

Schedule 3 PROVISIONS RELATING TO AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS

1

References in this Schedule to authentic instruments and court settlements are references to those authentic instruments and court settlements (as defined in Article 2 of the Maintenance Regulation) which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 48 of that Regulation.

2.—

(1) In relation to an authentic instrument or court settlement which is enforceable in the Maintenance Regulation State of origin, Schedule 1 applies, subject to the modifications in sub-paragraphs (2), (3) and (4), as if that authentic instrument or court settlement was a maintenance decision given by a court in that Maintenance Regulation State.

(2) Paragraphs 4(4) and 6(5) of Schedule 1 apply in relation to authentic instruments and court settlements as if, for the words “as if the decision had been originally made” there were substituted “as if it was a decision which had originally been made”.

(3) Paragraph 10 of Schedule 1 applies to authentic instruments as if—

(a) in sub-paragraph (1)(a), for the words “given by a court” there were substituted “drawn up by, registered by, authenticated by or concluded before a competent authority”;

(b) for sub-paragraph (1)(b) there were substituted—

“(b) an extract from an authentic instrument issued by a competent authority in a Maintenance Regulation State in accordance with Article 48 shall be evidence that that instrument is enforceable there.”;

(c) for sub-paragraph (2) there were substituted—

“(2) A document purporting to be a copy of an authentic instrument drawn up by, registered by, authenticated by or concluded before a competent authority in a Maintenance Regulation State is duly authenticated for the purposes of this paragraph if it purports to be certified to be a true copy of such an instrument by a person duly authorised in that State to do so.”

(4) Paragraph 10(1)(b) of Schedule 1 applies to court settlements as if, for the words “Article 20 or Article 28 (as the case may be)” there were substituted “Article 48”.

3

Section 18(7) of the Act (disapplication of section 18) has effect to disapply section 18 in relation to an authentic instrument or court settlement to which Article 48 applies.

Schedule 4 and Schedule 5 - see relevant amendments to Civil Jurisdiction and Judgments Act 1982 and Civil Jurisdiction and Judgments Order 2001 and the respective tabs

Schedule 6 ALLOCATION WITHIN THE UNITED KINGDOM OF JURISDICTION RELATING TO MAINTENANCE MATTERS

1

The provisions of this Schedule have effect for determining, as between the parts of the United Kingdom, whether the courts of a particular part of the United Kingdom, or any particular court in that part, have or has jurisdiction in proceedings where the subject-matter of the proceedings is within the scope of the Maintenance Regulation as determined by Article 1 of that Regulation.

2

In this Schedule, a reference to an Article by number alone is a reference to the Article so numbered in the Maintenance Regulation.

3

The provisions of Chapter II of the Maintenance Regulation apply to the determination of jurisdiction in the circumstances mentioned in paragraph 1, subject to the modifications specified in the following provisions of this Schedule.

4

Article 3 applies as if—

(a) the references in Article 3(a) and (b) to the court for the place where the defendant or the creditor is habitually resident were references to the court for the part of the United Kingdom in which the defendant, or the creditor, as the case may be, is habitually resident;

(b) the references to a person's nationality were references to a person's domicile.

5

Article 4(1) to (3) applies as if—

(a) for “Member State”, wherever it occurs, there were substituted “part of the United Kingdom”;

(b) the reference to a person's nationality was a reference to a person's domicile.

6

Article 5 applies as if—

(a) after “this Regulation” there were inserted “as modified by Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011”;

(b) for “Member State” there were substituted “part of the United Kingdom”.

7

Where Article 6, as read with the second paragraph of Article 2(3), indicates that the courts of the United Kingdom have jurisdiction under the Maintenance Regulation, and the parties are domiciled in different parts of the United Kingdom, the courts of either part may exercise jurisdiction (subject to Article 12 as it has effect by virtue of this Schedule).

8

Article 7 applies as if for the second sentence there were substituted—

“The dispute must have a sufficient connection with the part of the United Kingdom in which the court seised is located.”.

9.—

(1) Sub-paragraphs (2) and (3) have effect in addition to Article 8.

(2) Where a decision is given in a part of the United Kingdom where the creditor is habitually resident, proceedings to modify the decision or to have a new decision given cannot be brought by the debtor in any other part of the United Kingdom as long as the creditor remains habitually resident in the part of the United Kingdom in which the decision was given.

(3) Sub-paragraph (2) does not apply where—

(a) the parties have agreed that the courts of that other part of the United Kingdom are to have jurisdiction in accordance with Article 4 as applied by paragraph 5 of this Schedule, or

(b) the creditor submits to the jurisdiction of the courts of that other part of the United Kingdom pursuant to Article 5 as applied by paragraph 6 of this Schedule.

10

Article 9 does not apply.

11.—

(1) Sub-paragraphs (2) and (3) have effect instead of Articles 10 and 11.

(2) Where a defendant habitually resident in one part of the United Kingdom is sued in a court of another part of the United Kingdom and does not enter an appearance, the court will declare of its own initiative that it has no jurisdiction unless its jurisdiction is derived from the provisions of this Schedule.

(3) The court will stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.

12

Article 12 applies as if after “different Member States” there were inserted “or different parts of the United Kingdom”.

13

Article 13 applies as if after “different Member States” there were inserted “or different parts of the United Kingdom”.

14

Article 14 applies as if—

(a) for “a Member State” there were substituted “a part of the United Kingdom”;

(b) after “another Member State” there were inserted “or another part of the United Kingdom”.

15

Notwithstanding the preceding provisions of this Schedule, the exercise of jurisdiction in any proceedings in a court in the United Kingdom is subject to—

- (a) the Maintenance Regulation;
- (b) the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007 1;
- (c) the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Brussels on the 27th September 1968 2; and
- (d) the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters concluded at Lugano on the 16th September 1988 3.

16

This Schedule does not apply to—

- (a) matters in relation to which—
 - (i) the Secretary of State has jurisdiction to make a maintenance calculation by virtue of section 44 of the Child Support Act 1991 2;
 - (ii) the Department for Social Development in Northern Ireland has jurisdiction to make a maintenance calculation by virtue of Article 41 of the Child Support (Northern Ireland) Order 1991 3;
- (b) proceedings for, or otherwise relating to, an order under any of the following provisions—
 - (i) paragraph 23 of Schedule 2 to the Children Act 1989 (contribution orders);
 - (ii) section 106 of the Social Security Administration Act 1992 4 (recovery of expenditure on benefit from person liable for maintenance);
 - (iii) section 80 of the Social Work (Scotland) Act 1968 (enforcement of duty to make contributions);
 - (iv) section 81 of the Social Work (Scotland) Act 1968 (provisions as to decrees for aliment);
 - (v) Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972 5 (recovery of cost of accommodation for persons in need);
 - (vi) section 101 of the Social Security Administration (Northern Ireland) Act 1992 (recovery of expenditure on benefit from person liable for maintenance);
 - (vii) Article 41 of the Children (Northern Ireland) Order 1995 6 (contribution orders).

Schedule 7 CONSEQUENTIAL AMENDMENTS - see relevant amendments to the legislation listed in this Schedule at the respective rows/tabs

...

The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

25.—

- ...
- (2) In Schedule 1, references to the following Hague Convention countries are revoked—
- (a) Denmark;
 - (b) Federal Republic of Germany;
 - (c) Finland;
 - (d) France;
 - (e) Italy;
 - (f) Luxembourg;
 - (g) Netherlands;
 - (h) Portugal;
 - (i) Republic of Estonia;
 - (j) Republic of Poland;
 - (k) Slovakia;
 - (l) Spain;
 - (m) Sweden;
 - (n) the Czech Republic.
- ...

26.—

- (1) Despite paragraph 25(2), the countries listed in that paragraph are to continue to be Hague Convention countries for the purposes of Part 1 of the Act, as modified by Schedule 2 to the Hague Convention Countries Order, in relation to—
- (a) proceedings for the establishment of a maintenance order under section 3 of the Act which are continuing on 18th June 2011 pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E);
 - (b) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies where those proceedings are continuing on 18th June 2011 pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply;
 - (c) proceedings under section 6 of the Act for registration of a maintenance order which are continuing on 18th of June 2011 where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date;
 - (d) enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;
 - (e) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;
 - (f) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.
- (2) In this paragraph—
- (a) "the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972, and references to particular provisions of the Act are to those provisions as modified by Schedule 2 to the Hague Convention Countries Order;
 - (b) "the Hague Convention Countries Order" means the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993;
 - (c) "registered order" has the meaning given in section 21(1) of the Act.

B5

Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011

1.— Citation, commencement and extent

- (1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011, and shall come into force on 27th May 2011.
- (2) Regulation 2 extends to England and Wales only.
- (3) Regulations 3 to 7 extend to England and Wales, Scotland and Northern Ireland.

Reg. 2 is repealed

Regs. 3 to 6 amend the Civil Jurisdiction and Judgments Act 1982 - see amendments at row A7 and in the relevant tab.

7.— Authentic instruments and court settlements

- (1) Section 48 of the Civil Jurisdiction and Judgments Act 1982 (matters for which rules of court may provide) applies in relation to authentic instruments and court settlements as if they were maintenance decisions to which the Maintenance Regulation applies.
- (2) The reference in paragraph (1) to authentic instruments and court settlements is to those authentic instruments and court settlements which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 48 of the Maintenance Regulation.
- (3) In this regulation—
- “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;
- “authentic instrument” and “court settlement” have the meanings given in Article 2 of the Maintenance Regulation.

B6

Civil jurisdiction and Judgments Order 2001

Preamble

Whereas a Convention on jurisdiction and the enforcement of judgments in civil and commercial matters was signed on 27th September 1968:

And whereas a Protocol on the interpretation of the Convention by the Court of Justice of the European Communities was signed on 3rd June 1971:

And whereas a Convention on the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the Convention signed by Her Majesty's Government on 9th October 1978, was ratified on 7th October 1986 by Her Majesty's Government and entered into force for the United Kingdom on 1st January 1987:

And whereas the Civil Jurisdiction and Judgments Act 1982 1 gave the force of law to these Conventions and to the Protocol in the United Kingdom:

And whereas a Convention on jurisdiction and the enforcement of judgments in civil and commercial matters was opened for signature at Lugano on 16th September 1988 and signed by Her Majesty's Government on 18th September 1989:

And whereas the Civil Jurisdiction and Judgments Act 1982, as amended by the Civil Jurisdiction and Judgments Act 1991, gave the force of law to that Convention in the United Kingdom:

And whereas a Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 2 was done on 22nd December 2000:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Article 1. Citation and commencement

This Order may be cited as the Civil Jurisdiction and Judgments Order 2001 and shall come into force—

- (a) as to articles 1 and 2, paragraphs 1(a), 1(b)(ii) and 17 of Schedule 2 and, so far as it relates to those paragraphs, article 4, on 25th January 2002; and
- (b) as to the remainder of this Order, on 1st March 2002.

Article 2.— Interpretation

(1) In this Order—

"the Act" means the Civil Jurisdiction and Judgments Act 1982;

"the 2005 Agreement" means the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

"the Regulation" means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) 3 as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters 4;

"Regulation State" in any provision, in the application of that provision in relation to the Regulation, means a Member State.

(2) In Schedule 2 to this Order, a section, Part, Schedule or paragraph referred to by number alone is a reference to the section, Part, Schedule or paragraph so numbered in the Act.

Article 3. The Regulation

Schedule 1 to this Order (which applies certain provisions of the Act with modifications for the purposes of the Regulation) shall have effect.

Article 3A. The 2005 Agreement

The Regulation shall have effect as regards Denmark in accordance with the 2005 Agreement.

Article 4. Amendments to the Civil Jurisdiction and Judgments Act 1982

Schedule 2 to this Order (which makes amendments to the Act) shall have effect.

Article 5. Consequential amendments

Schedule 3 to this Order (which makes consequential amendments) shall have effect.

Article 6.— Transitional provisions

(1) Where proceedings are begun before 1st March 2002 in any part of the United Kingdom on the basis of jurisdiction determined in accordance with section 16 of, and Schedule 4 to, the Act, the proceedings may be continued as if the amendments made by paragraphs 3 and 4 of Schedule 2 to this Order had not been made and those amendments shall not apply in respect of any proceedings begun before that date.

(2) Where proceedings are begun before 1st March 2002 in any court in Scotland on the basis of jurisdiction determined in accordance with section 20 of, and Schedule 8 to, the Act, the proceedings may be continued as if the amendments made by paragraphs 6 and 7 of Schedule 2 to this Order had not been made and those amendments shall not apply in respect of any proceedings begun before that date.

Schedule 1 THE REGULATION

1.— Interpretation

(1) In this Schedule—

"court", without more, includes a tribunal;

"judgment" has the meaning given by Article 2 of the Regulation;

"magistrates' court", in relation to Northern Ireland, means a court of summary jurisdiction;

"maintenance order" means a maintenance judgment within the meaning of the Regulation;

"part of the United Kingdom" means England and Wales, Scotland or Northern Ireland;

"payer", in relation to a maintenance order, means the person liable to make the payments for which the order provides;

"prescribed" means prescribed by rules of court.

(2) In this Schedule, any reference to a numbered Article or Annex is a reference to the Article or Annex so numbered in the Regulation, and any reference to a sub-division of a numbered Article shall be construed accordingly.

...

(4) Anything authorised or required by the Regulation or paragraphs 2 to 8 to be done by, to or before a particular magistrates' court in Northern Ireland may be done by, to or before any magistrates' court acting for the same petty sessions district as that court acting for the same petty sessions area (or, in Northern Ireland, acting for the same petty sessions district) as that court.

2.— Enforcement of judgments other than maintenance orders (section 4)

(1) Where a judgment is enforced under the Regulation, the reasonable costs or expenses of and incidental to its enforcement shall be recoverable as if they were sums recoverable under the judgment.

(2) A judgment to be enforced under the Regulation shall for the purposes of its enforcement be of the same force and effect, the enforcing court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the enforcing court.

(2A) Where a judgment to be enforced under the Regulation would, if it had been given by a court in Northern Ireland, be enforced by the Enforcement of Judgments Office pursuant to the Judgments Enforcement (Northern Ireland) Order 1981 4, that judgment shall for the purposes of its enforcement be of the same force and effect, the Enforcement of Judgments Office shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by a court in Northern Ireland.

(3) Sub-paragraph (2) is subject to Articles 41(2) and 46, to paragraph 5 and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the Regulation may be enforced.

2A and 2B - concern Northern Ireland and Scotland

4.— Appeals under Article 50 and 75(c) (section 6)

(1) The single further appeal on a point of law referred to under Article 50 and 75(c) in relation to the recognition or enforcement of a judgment lies—

- (a) in England and Wales or Northern Ireland, to the Court of Appeal or to the House of Lords in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the House of Lords);
- (b) in Scotland, to the Inner House of the Court of Session.

(2) Paragraph (a) of sub-paragraph (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 3 (exclusion of direct appeal to the House of Lords in cases where no appeal to that House lies from a decision of the Court of Appeal).

5.— Interest on judgments (section 7)

(1) Subject to sub-paragraph (2) and rules of court as to the payment of interest under this paragraph, where a person applying for enforcement of a judgment under the Regulation shows that—

- (a) the judgment provides for the payment of a sum of money; and
- (b) in accordance with the law of the Regulation State in which the judgment was given and the terms of the judgment, interest on that sum is recoverable at a particular rate and from a particular date or time, the debt resulting from enforcement of the judgment is to carry interest at that rate and from that date or time.

(2) Costs or expenses recoverable by virtue of paragraph 2(1) shall carry interest as if they were the subject of an order for the payment of costs or expenses made by the enforcing court on the date of enforcement.

...

(4) Debts under judgments enforced under the Regulation shall carry interest only as provided by this paragraph.

7.— Allocation within United Kingdom of jurisdiction with respect to trusts and consumer contracts (section 10)

(1) The provisions of this paragraph have effect for the purpose of allocating within the United Kingdom jurisdiction in certain proceedings in respect of which the Regulation confers jurisdiction on the courts of the United Kingdom generally and to which section 16 of the Act does not apply.

(2) Any proceedings which by virtue of Article 7(6) (trusts) are brought in the United Kingdom shall be brought in the courts of the part of the United Kingdom in which the trust is domiciled.

(3) Any proceedings which by virtue of the Article 18(1) (consumer contracts) are brought in the United Kingdom by a consumer on the ground that he is himself domiciled there shall be brought in the courts of the part of the United Kingdom in which he is domiciled.

8.— Proof and admissibility of certain judgments and related documents (section 11)

(1) For the purposes of the Regulation—

(a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a Regulation State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and

(b) a certificate obtained in accordance with Article 53 and Annex I shall be evidence, and in Scotland sufficient evidence, that the judgment is enforceable in the Regulation State of origin.

(2) A document purporting to be a copy of a judgment given by any such court as is mentioned in sub-paragraph (1)(a) is duly authenticated for the purposes of this paragraph if it purports—

(a) to bear the seal of that court; or

(b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court.

(3) Nothing in this paragraph shall prejudice the admission in evidence of any document which is admissible apart from this paragraph.

9.— Domicile of individuals (section 41)

(1) Subject to Article 62 (which contains provisions for determining whether a party is domiciled in a Regulation State), the following provisions of this paragraph determine, for the purposes of the Regulation, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom or in a state other than a Regulation State.

(2) An individual is domiciled in the United Kingdom if and only if—

(a) he is resident in the United Kingdom; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.

(3) Subject to sub-paragraph (5), an individual is domiciled in a particular part of the United Kingdom if and only if—

(a) he is resident in that part; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.

(4) An individual is domiciled in a particular place in the United Kingdom if and only if he—

(a) is domiciled in the part of the United Kingdom in which that place is situated; and

(b) is resident in that place.

(5) An individual who is domiciled in the United Kingdom but in whose case the requirements of sub-paragraph (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.

(6) In the case of an individual who—

(a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and

(b) has been so resident for the last three months or more,

the requirements of sub-paragraph (2)(b) or, as the case may be, sub-paragraph (3)(b) shall be presumed to be fulfilled unless the contrary is proved.

(7) An individual is domiciled in a state other than a Regulation State if and only if—

(a) he is resident in that state; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with that state.

10.— Seat of company, or other legal person or association for purposes of Article 24(2) (section 43)

(1) The following provisions of this paragraph determine where a company, legal person or association has its seat for the purposes of Article 24(2) (which confers exclusive jurisdiction over proceedings relating to the formation or dissolution of such bodies, or to the decisions of their organs).

(2) A company, legal person or association has its seat in the United Kingdom if and only if—

(a) it was incorporated or formed under the law of a part of the United Kingdom; or

(b) its central management and control is exercised in the United Kingdom.

(3) Subject to sub-paragraph (4), a company, legal person or association has its seat in a Regulation State other than the United Kingdom if and only if—

(a) it was incorporated or formed under the law of that state; or

(b) its central management and control is exercised in that state.

(4) A company, legal person or association shall not be regarded as having its seat in a Regulation State other than the United Kingdom if—

(a) it has its seat in the United Kingdom by virtue of sub-paragraph (2)(a); or

(b) it is shown that the courts of that other state would not regard it for the purposes of Article 24(2) as having its seat there.

11.— Persons deemed to be domiciled in the United Kingdom for certain purposes (section 44)

(1) This paragraph applies to

(a) proceedings within Section 3 of Chapter II of the Regulation (insurance contracts),

(b) proceedings within Section 4 of Chapter II of the Regulation (consumer contracts), and

(c) proceedings within Section 5 of Chapter II of the Regulation (employment contracts).

(2) A person who, for the purposes of proceedings to which this paragraph applies arising out of the operations of a branch, agency or other establishment in the United Kingdom, is deemed for the purposes of the Regulation to be domiciled in the United Kingdom by virtue of—

(a) Article 11(2) (insurers); or

(b) Article 17(2) (suppliers of goods, services or credit to consumers), or

(c) Article 20(2) (employers),

shall, for the purposes of those proceedings, be treated as so domiciled and as domiciled in the part of the United Kingdom in which the branch, agency or establishment in question is situated.

12.— Domicile of trusts (section 45)

(1) The following provisions of this paragraph determine for the purposes of the Regulation where a trust is domiciled.

(2) A trust is domiciled in the United Kingdom if and only if it is by virtue of sub-paragraph (3) domiciled in a part of the United Kingdom.

(3) A trust is domiciled in a part of the United Kingdom if and only if the system of law of that part is the system of law with which the trust has its closest and most real connection.

Schedule 2 and Schedule 3 - - see relevant amendments to the legislation listed in this Schedule at the respective rows/tabs

B7

Civil Partnership (Jurisdiction and Recognition of Judgments) Regulation 2005

This statutory instrument implements the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000

Entire statutory instrument reads as follows:

Reg 1. Citation and commencement

These Regulations may be cited as the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 and shall come into force on 5 December 2005.

Reg 2. Extent

(1) Except as provided by this regulation, these Regulations extend to England and Wales and Northern Ireland.

(2) Regulations 4 and 11(1) extend to England and Wales only.

(3) Regulations 5 and 11(2) extend to Northern Ireland only

Reg 3. Application

(1) These Regulations apply to proceedings for the dissolution or annulment of an overseas relationship entitled to be treated as a civil partnership, or the legal separation of the same, as they apply to proceedings for the dissolution or annulment of a civil partnership or the legal separation of civil partners.

(2) Regulations 7 and 8, in respect of recognition and non-recognition of a judgment, apply to all judgments even if the date of the judgment is earlier than the date on which section 219 of the Civil Partnership Act 2004 and these Regulations come into force.

PART 1

Reg 4. Jurisdiction: England and Wales

The courts in England and Wales shall have jurisdiction in relation to proceedings for the dissolution or annulment of a civil partnership or for the legal separation of civil partners where—

(a) both civil partners are habitually resident in England and Wales

(b) both civil partners were last habitually resident in England and Wales and one of the civil partners continues to reside there;

(c) the respondent is habitually resident in England and Wales;

(d) the petitioner is habitually resident in England and Wales and has resided there for at least one year immediately preceding the presentation of the petition; or

(e) the petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately preceding the presentation of the petition.

Reg 5. Jurisdiction: Northern Ireland

...

PART 2 Recognition and Refusal of Recognition of Judgments

Reg 6.

(1) In this Part "judgment" means an order for the dissolution or annulment of a civil partnership or the legal separation of civil partners, pronounced by a court of a Member State, however termed by that State.

(2) A "court of a Member State" referred to in paragraph (1) means all the authorities, whether judicial or administrative, in Member States with jurisdiction in those matters falling within the scope of these Regulations.

(3) The "Member States" referred to in paragraph (1) are any of the following States—Belgium, Cyprus, Czech Republic, Denmark, Germany, Greece, Spain, Estonia, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Poland, Portugal, Slovakia, Slovenia, Finland and Sweden.

Reg 7. recognition of a judgment

(1) Where a judgment is (or has been) given in respect of a civil partnership, that judgment shall, without any special formalities, be recognised in England and Wales or Northern Ireland.

(2) Any interested party may, in accordance with the procedure set out in rules, apply for a judgment to be, or not to be, recognised.

(3) Where the recognition of a judgment is raised as an incidental issue in proceedings before the court, that court may determine the issue.

Reg 8. refusal of recognition of a judgment

(1) Recognition of the validity of a judgment may be refused in England and Wales or Northern Ireland if the judgment was obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the civil partnership—

(a) previously given by a court of civil jurisdiction in that part of the United Kingdom, or

(b) previously given by a court elsewhere and recognised or entitled to be recognised in that part of the United Kingdom.

(2) Recognition of the validity of a judgment may be refused in England and Wales or Northern Ireland if the judgment was obtained at a time when, according to the law of that part of the United Kingdom, there was no subsisting civil partnership.

(3) Recognition of the validity of a judgment may be refused if—

(a) in the case of a judgment obtained by means of proceedings, it was obtained—

(i) without such steps having been taken for giving notice of the proceedings to a civil partner as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or

(ii) without a civil partner having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, he should reasonably have been given, or

(b) in the case of a judgment obtained otherwise than by means of proceedings—

(i) there is no official document certifying the judgment is effective under the law of the country in which it was obtained, or

(ii) where either civil partner was domiciled in another country at the relevant date, there is no official document certifying that the judgment is recognised as valid under the law of that other country, or

(c) in either case, recognition of the judgment would be manifestly contrary to public policy.

(4) In this regulation—

"official", in relation to a document certifying that a judgment is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under that law;"the relevant date" means— (a) in the case of a judgment obtained by means of proceedings, the date of the commencement of the proceedings;(b) in the case of a judgment obtained otherwise than by means of proceedings, the date on which it was obtained.

Reg 9

The court may not review the jurisdiction of the court which issued the judgment.

Reg 10

A judgment may not be reviewed as to its substance

Reg 11

(1) The recognition of a judgment in England and Wales may not be refused because the law of England and Wales would not allow dissolution, annulment or legal separation on the same facts.(2) The recognition of a judgment in Northern Ireland may not be refused because the law of Northern Ireland would not allow dissolution, annulment or legal separation on the same facts.

Reg 12

Where recognition is sought of a judgment given in a Member State and an appeal against that judgment has been lodged in a Member State, the court may stay the proceedings.

B8

Civil Procedure Rules 1998

NOTE: There are other parts of the Civil Procedure Rules 1998 (CPR) which contain EU law relevant provisions, but the extracts below are limited to those parts of the CPR listed in the Red Book index. Examples of other parts of the CPR (not listed in the Red Book index) which contain EU law provisions are:

Part 12 (Default Judgment)

Part 25 (Interim Remedies) (refers to orders under Article 9 of Council Directive (EC) 2004/48 on the enforcement of intellectual property rights (order in intellectual property proceedings making the continuation of an alleged infringement subject to the lodging of guarantees).

Part 30.8 (Transfer of competition law claims)

Part 34, in particular Part 34.21 (Order under 1975 Act as applied by Patents Act 1977) and Part III of Part 34 (Taking of evidence - Member States of the European Union)

Part 54 Section II (Planning Court)

Part 62.20

Part 63 (Intellectual Property Claims)

Part 68 (References to the European Court)

Part 78 (European Procedures)

...

PART 6 - SERVICE OF DOCUMENTS

I SCOPE OF THIS PART AND INTERPRETATION

...

6.2 In this Part –

(a) 'bank holiday' means a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where service is to take place;

(b) 'business day' means any day except Saturday, Sunday, a bank holiday, Good Friday or Christmas Day;

(c) 'claim' includes petition and any application made before action or to commence proceedings and 'claim form', 'claimant' and 'defendant' are to be construed accordingly;

(d) 'solicitor' includes any other person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act); and

(e) 'European Lawyer' has the meaning set out in article 2 of the European Communities (Services of Lawyers) Order 1978 (S. I. 1978/1910).

(The European Communities (Services of Lawyers) Order 1978 is annexed to Practice Direction 6A.)

II SERVICE OF THE CLAIM FORM IN THE JURISDICTION OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA

Methods of service

6.3

(1) A claim form may (subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties) be served by any of the following methods –

(a) personal service in accordance with rule 6.5;

(b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with Practice Direction 6A;

(c) leaving it at a place specified in rule 6.7, 6.8, 6.9 or 6.10;

(d) fax or other means of electronic communication in accordance with Practice Direction 6A; or

(e) any method authorised by the court under rule 6.15.

(2) A company may be served –

(a) by any method permitted under this Part; or

(b) by any of the methods of service permitted under the Companies Act 2006.

(3) A limited liability partnership may be served –

(a) by any method permitted under this Part; or

(b) by any of the methods of service permitted under the Companies Act 2006 as applied with modification by regulations made under the Limited Liability Partnerships Act 2000.

Who is to serve the claim form

6.4

(1) Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, the court will serve the claim form except where –

(a) a rule or practice direction provides that the claimant must serve it;

(b) the claimant notifies the court that the claimant wishes to serve it; or

(c) the court orders or directs otherwise.

(2) Where the court is to serve the claim form, it is for the court to decide which method of service is to be used.

(3) Where the court is to serve the claim form, the claimant must, in addition to filing a copy for the court, provide a copy for each defendant to be served.

(4) Where the court has sent –

(a) a notification of outcome of postal service to the claimant in accordance with rule 6.18; or

(b) a notification of non-service by a bailiff in accordance with rule 6.19,

the court will not try to serve the claim form again.

Personal service

6.5

(1) Where required by another Part, any other enactment, a practice direction or a court order, a claim form must be served personally.

(2) In other cases, a claim form may be served personally except –

(a) where rule 6.7 applies; or

(b) in any proceedings against the Crown.

(Part 54 contains provisions about judicial review claims and Part 66 contains provisions about Crown proceedings.)

(3) A claim form is served personally on –

(a) an individual by leaving it with that individual;

(b) a company or other corporation by leaving it with a person holding a senior position within the company or corporation; or

(c) a partnership (where partners are being sued in the name of their firm) by leaving it with –

(i) a partner; or

(ii) a person who, at the time of service, has the control or management of the partnership business at its principal place of business.

(Practice Direction 6A sets out the meaning of 'senior position'.)

Where to serve the claim form – general provisions

6.6

(1) The claim form must be served within the jurisdiction except where rule 6.7(2), 6.7(3) or 6.11 applies or as provided by Section IV of this Part.

(2) The claimant must include in the claim form an address at which the defendant may be served. That address must include a full postcode or its equivalent in any EEA state (if applicable), unless the court orders otherwise.

(Paragraph 2.4 of Practice Direction 16 contains provisions about postcodes.)

(3) Paragraph (2) does not apply where an order made by the court under rule 6.15 (service by an alternative method or at an alternative place) specifies the place or method of service of the claim form.

Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state

6.7

(1) Solicitor within the jurisdiction: Subject to rule 6.5(1), where –

(a) the defendant has given in writing the business address within the jurisdiction of a solicitor as an address at which the defendant may be served with the claim form; or

(b) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within the jurisdiction, the claim form must be served at the business address of that solicitor.

('Solicitor' has the extended meaning set out in rule 6.2(d).)

(2) Solicitor in Scotland or Northern Ireland or EEA state other than the United Kingdom: Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where –

(a) the defendant has given in writing the business address in Scotland or Northern Ireland of a solicitor as an address at which the defendant may be served with the claim form;

(aa) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within Scotland or Northern Ireland;

(b) the defendant has given in writing the business address within any other EEA state of a solicitor as an address at which the defendant may be served with the claim form; or

(c) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within any other EEA state,

the claim form must be served at the business address of that solicitor.

(3) European Lawyer in any EEA state: Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where –

(a) the defendant has given in writing the business address of a European Lawyer in any EEA state as an address at which the defendant may be served with the claim form; or
(b) a European Lawyer in any EEA state has notified the claimant in writing that the European Lawyer is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address of the European Lawyer.
the claim form must be served at the business address of that European Lawyer.
('European Lawyer' has the meaning set out in rule 6.2(e).)
(For Production Centre Claims see paragraph 2.3(7A) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

Service of the claim form where before service the defendant gives an address at which the defendant may be served

6.8 Subject to rules 6.5(1) and 6.7 and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision –

(a) the defendant may be served with the claim form at an address at which the defendant resides or carries on business within the UK or any other EEA state and which the defendant has given for the purpose of being served with the proceedings; or

(b) in any claim by a tenant against a landlord, the claim form may be served at an address given by the landlord under section 48 of the Landlord and Tenant Act 1987.

(For Production Centre Claims see paragraph 2.3(7A) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

(For service out of the jurisdiction see rules 6.40 to 6.47.)

Service of the claim form where the defendant does not give an address at which the defendant may be served

6.9

(1) This rule applies where –

(a) rule 6.5(1) (personal service);

(b) rule 6.7 (service of claim form on solicitor or European Lawyer); and

(c) rule 6.8 (defendant gives address at which the defendant may be served),

do not apply and the claimant does not wish to effect personal service under rule 6.5(2).

(2) Subject to paragraphs (3) to (6), the claim form must be served on the defendant at the place shown in the following table.

(For service out of the jurisdiction see rules 6.40 to 6.47.)

Nature of defendant to be served	Place of service
1. Individual	Usual or last known residence.
2. Individual being sued in the name of a business	Usual or last known residence of the individual; or principal or last known place of business.
3. Individual being sued in the business name of a partnership	Usual or last known residence of the individual; or principal or last known place of business of the partnership.
4. Limited liability partnership	Principal office of the partnership; or any place of business of the partnership within the jurisdiction which has a real connection with the claim.
5. Corporation (other than a company) incorporated in England and Wales	Principal office of the corporation; or any place within the jurisdiction where the corporation carries on its activities and which has a real connection with the claim.
6. Company registered in England and Wales	Principal office of the company; or any place of business of the company within the jurisdiction which has a real connection with the claim.
7. Any other company or corporation	Any place within the jurisdiction where the corporation carries on its activities; or any place of business of the company within the jurisdiction.

(3) Where a claimant has reason to believe that the address of the defendant referred to in entries 1, 2 or 3 in the table in paragraph (2) is an address at which the defendant no longer resides or carries on business, the claimant must take reasonable steps to ascertain the address of the defendant's current residence or place of business ('current address').

(4) Where, having taken the reasonable steps required by paragraph (3), the claimant –

(a) ascertains the defendant's current address, the claim form must be served at that address; or

(b) is unable to ascertain the defendant's current address, the claimant must consider whether there is –

(i) an alternative place where; or

(ii) an alternative method by which,

service may be effected.

(5) If, under paragraph (4)(b), there is such a place where or a method by which service may be effected, the claimant must make an application under rule 6.15.

(6) Where paragraph (3) applies, the claimant may serve on the defendant's usual or last known address in accordance with the table in paragraph (2) where the claimant –

(a) cannot ascertain the defendant's current residence or place of business; and

(b) cannot ascertain an alternative place or an alternative method under paragraph (4)(b).

...

Deemed service

6.14 A claim form served within the United Kingdom in accordance with this Part is deemed to be served on the second business day after completion of the relevant step under rule 7.5(1).

NOTE: "Within the United Kingdom" was added by Civil Procedure Rules (Amendment) Rules 2011, which also included provision for a party to provide as that party's address for service the address of a solicitor qualified to practise in England and Wales but based in another European Economic Area (EEA) State.

...

III SERVICE OF DOCUMENTS OTHER THAN THE CLAIM FORM IN THE UNITED KINGDOM OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA

Methods of service

6.20

(1) Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a document may be served by any of the following methods –

(a) personal service, in accordance with rule 6.22;

(b) first class post, document exchange or other service which provides for delivery on the next business day, in accordance with Practice Direction 6A;

(c) leaving it at a place specified in rule 6.23;

(d) fax or other means of electronic communication in accordance with Practice Direction 6A; or

(e) any method authorised by the court under rule 6.27.

(2) A company may be served –

(a) by any method permitted under this Part; or

(b) by any of the methods of service permitted under the Companies Act 2006.

(3) A limited liability partnership may be served –

(a) by any method permitted under this Part; or

(b) by any of the methods of service permitted under the Companies Act 2006 as applied with modification by regulations made under the Limited Liability Partnerships Act 2000.

Who is to serve

6.21

(1) Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a party to proceedings will serve a document which that party has prepared except where –

(a) a rule or practice direction provides that the court will serve the document; or

(b) the court orders otherwise.

(2) The court will serve a document which it has prepared except where –

(a) a rule or practice direction provides that a party must serve the document;

(b) the party on whose behalf the document is to be served notifies the court that the party wishes to serve it; or

(c) the court orders otherwise.

(3) Where the court is to serve a document, it is for the court to decide which method of service is to be used.

(4) Where the court is to serve a document prepared by a party, that party must provide a copy for the court and for each party to be served.

Personal service

6.22

(1) Where required by another Part, any other enactment, a practice direction or a court order, a document must be served personally.

(2) In other cases, a document may be served personally except –

(a) where the party to be served has given an address for service under rule 6.23; or

(b) in any proceedings by or against the Crown.

(3) A document may be served personally as if the document were a claim form in accordance with rule 6.5(3).

(For service out of the jurisdiction see rules 6.40 to 6.47.)

Address for service to be given after proceedings are started

6.23

(1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings. The address must include a full postcode or its equivalent in any EEA state (if applicable) unless the court orders otherwise.

(Paragraph 2.4 of Practice Direction 16 contains provisions about postcodes.)

(2) Except where any other rule or practice direction makes different provision, a party's address for service must be –

(a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or

(b) the business address in any EEA state of a European Lawyer nominated to accept service of documents; or

(c) where there is no solicitor acting for the party or no European Lawyer nominated to accept service of documents –

(i) an address within the United Kingdom at which the party resides or carries on business; or

(ii) an address within any other EEA state at which the party resides or carries on business.

(For Production Centre Claims see paragraph 2.3(7) and (7A) of Practice Direction 7C; for Money Claims Online see paragraph 4(3A) and (6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1 (3A) and (4) of Practice Direction 55B.)

(3) Where none of sub-paragraphs (2)(a), (b) or (c) applies, the party must give an address for service within the United Kingdom.

(Part 42 contains provisions about change of solicitor. Rule 42.1 provides that where a party gives the business address of a solicitor as that party's address for service, that solicitor will be considered to be acting for the party until the provisions of Part 42 are complied with.)

(4) Subject to the provisions of Section IV of this Part (where applicable), any document to be served in proceedings must be sent or transmitted to, or left at, the party's address for service under paragraph (2) or (3) unless it is to be served personally or the court orders otherwise.

(5) Where, in accordance with Practice Direction 6A, a party indicates or is deemed to have indicated that they will accept service by fax, the fax number given by that party must be at the address for service.

(6) Where a party indicates in accordance with Practice Direction 6A that they will accept service by electronic means other than fax, the e-mail address or electronic identification given by that party will be deemed to be at the address for service.

(7) In proceedings by or against the Crown, service of any document in the proceedings on the Crown must be effected in the same manner prescribed in rule 6.10 as if the document were a claim form.

(8) This rule does not apply where an order made by the court under rule 6.27 (service by an alternative method or at an alternative place) specifies where a document may be served.

(For service out of the jurisdiction see rules 6.40 to 6.47.)

...

Deemed Service

6.26 A document, other than a claim form, served within the United Kingdom in accordance with these Rules or any relevant practice direction is deemed to be served on the day shown in the following table –

Method of service	Deemed date of service
1. First class post (or other service which provides for delivery on the next business day)	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
2. Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day.
3. Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30p.m., on that day; or in any other case, on the next business day after that day.
4. Fax	If the transmission of the fax is completed on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was transmitted.
5. Other electronic method	If the e-mail or other electronic transmission is sent on a business day before 4.30p.m., on that day; or in any other case, on the next business day after the day on which it was sent.
6. Personal service	If the document is served personally before 4.30p.m. on a business day, on that day; or in any other case, on the next business day after that day.

(Paragraphs 10.1 to 10.7 of Practice Direction 6A contain examples of how the date of deemed service is calculated.)

NOTE: "Within the United Kingdom" was added by Civil Procedure Rules (Amendment) Rules 2011, which also included provision for a party to provide as that party's address for service the address of a solicitor qualified to practise in England and Wales but based in another European Economic Area (EEA) State.

...

IV SERVICE OF THE CLAIM FORM AND OTHER DOCUMENTS OUT OF THE JURISDICTION

Scope of this Section

6.30 This Section contains rules about –

(a) service of the claim form and other documents out of the jurisdiction;

(b) when the permission of the court is required and how to obtain that permission; and

(c) the procedure for service.

('Jurisdiction' is defined in rule 2.3(1).)

Interpretation

6.31

(1) For the purposes of this Section –

(a) 'the Hague Convention' means the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters signed at the Hague on 15 November 1965;

(b) 'the 1982 Act' means the Civil Jurisdiction and Judgments Act 1982;

(c) 'Civil Procedure Convention' means the Brussels and Lugano Conventions (as defined in section 1(1) of the 1982 Act) and any other Convention (including the Hague Convention) entered into by the United Kingdom regarding service out of the jurisdiction;

(d) 'the Judgments Regulation' means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)⁹, as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters¹⁰;

(For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013, p.4)

(e) 'the Service Regulation' means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)¹¹ and repealing Council Regulation (EC) No. 1348/2000¹², as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents on civil and commercial matters¹³;

(f) 'Commonwealth State' means a state listed in Schedule 3 to the British Nationality Act 1981¹⁴;

(g) 'Contracting State' has the meaning given by section 1(3) of the 1982 Act;

(h) 'Convention territory' means the territory or territories of any Contracting State to which the Brussels or Lugano Conventions (as defined in section 1(1) of the 1982 Act) apply; and

(i) 'domicile' is to be determined –

(i) in relation to a Convention territory, in accordance with sections 41 to 46 of the 1982 Act; and

(ii) in relation to a Member State, in accordance with the Judgments Regulation and paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001¹⁵.

(j) 'the Lugano Convention' means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30th October 2007.

(k) 'the 2005 Hague Convention' means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.

...

Service of the claim form where the permission of the court is not required – out of the United Kingdom

6.33

(1) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 1982 Act or the Lugano Convention and –

(a) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Convention territory; and

(b)

(i) the defendant is domiciled in the United Kingdom or in any Convention territory;

(ii) the proceedings are within article 16 of Schedule 1 to the 1982 Act or article 22 of the Lugano Convention; or

(iii) the defendant is a party to an agreement conferring jurisdiction, within article 17 of Schedule 1 to the 1982 Act or article 23 of the Lugano Convention.

(2) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine under the Judgments Regulation and –

(a) subject to paragraph (2A) no proceedings between the parties concerning the same claim are pending in the courts of any other part of the United Kingdom or any other Member State; and

(b)

(i) the defendant is domiciled in the United Kingdom or in any Member State;

(ii) the defendant is not a consumer, but is a party to a consumer contract within article 17 of the Judgments Regulation;

(iii) the defendant is an employer and a party to a contract of employment within article 20 of the Judgments Regulation;

(iv) the proceedings are within article 24 of the Judgments Regulation; or

(v) the defendant is a party to an agreement conferring jurisdiction within article 25 of the Judgments Regulation.

(2A) Paragraph (2)(a) does not apply if the jurisdiction conferred by the agreement referred to in paragraph (2)(b)(v) is exclusive.

(2B) The claimant may serve the claim form on the defendant out of the United Kingdom where each claim against the defendant to be served and included in the claim form is a claim which the court has power to determine under the 2005 Hague Convention and the defendant is a party to an exclusive choice of court agreement conferring jurisdiction on that court within the meaning of Article 3 of the 2005 Hague Convention.

(3) The claimant may serve the claim form on a defendant out of the United Kingdom where each claim made against the defendant to be served and included in the claim form is a claim which the court has power to determine other than under the 1982 Act, the Lugano Convention, the 2005 Hague Convention, or the Judgments Regulation, notwithstanding that –

(a) the person against whom the claim is made is not within the jurisdiction; or

(b) the facts giving rise to the claim did not occur within the jurisdiction.

Notice of statement of grounds where the permission of the court is not required for service

6.34

- (1) Where the claimant intends to serve a claim form on a defendant under rule 6.32 or 6.33, the claimant must –
- (a) file with the claim form a notice containing a statement of the grounds on which the claimant is entitled to serve the claim form out of the jurisdiction; and
 - (b) serve a copy of that notice with the claim form.
- (2) Where the claimant fails to file with the claim form a copy of the notice referred to in paragraph (1)(a), the claim form may only be served –
- (a) once the claimant files the notice; or
 - (b) if the court gives permission.

Period for responding to the claim form where permission was not required for service

6.35

- (1) This rule sets out the period for –
- (a) filing an acknowledgment of service;
 - (b) filing an admission; or
 - (c) filing a defence,
- where a claim form has been served out of the jurisdiction under rule 6.32 or 6.33.
- (Part 10 contains rules about acknowledgments of service, Part 14 contains rules about admissions and Part 15 contains rules about defences.)

Service of the claim form on a defendant in Scotland or Northern Ireland

- (2) Where the claimant serves on a defendant in Scotland or Northern Ireland under rule 6.32, the period –
- (a) for filing an acknowledgment of service or admission is 21 days after service of the particulars of claim; or
 - (b) for filing a defence is –
- (i) 21 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 35 days after service of the particulars of claim.
- (Part 7 provides that particulars of claim must be contained in or served with the claim form or served separately on the defendant within 14 days after service of the claim form.)

Service of the claim form on a defendant in a Convention territory within Europe or a Member State

- (3) Where the claimant serves the claim form on a defendant in a Convention territory within Europe or a Member State under rule 6.33, the period –
- (a) for filing an acknowledgment of service or admission, is 21 days after service of the particulars of claim; or
 - (b) for filing a defence is –
- (i) 21 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 35 days after service of the particulars of claim.

Service of the claim form on a defendant in a Convention territory outside Europe

- (4) Where the claimant serves the claim form on a defendant in a Convention territory outside Europe under rule 6.33, the period –
- (a) for filing an acknowledgment of service or admission, is 31 days after service of the particulars of claim; or
 - (b) for filing a defence is –
- (i) 31 days after service of the particulars of claim; or
 - (ii) where the defendant files an acknowledgment of service, 45 days after service of the particulars of claim.

Service on a defendant elsewhere

- (5) Where the claimant serves the claim form under rule 6.33 in a country not referred to in paragraph (3) or (4), the period for responding to the claim form is set out in [Practice Direction 6B](#).

Service of the claim form where the permission of the court is required

6.36 In any proceedings to which rule 6.32 or 6.33 does not apply, the claimant may serve a claim form out of the jurisdiction with the permission of the court if any of the grounds set out in paragraph 3.1 of [Practice Direction 6B](#) apply.

Application for permission to serve the claim form out of the jurisdiction

6.37

- (1) An application for permission under rule 6.36 must set out –
- (a) which ground in paragraph 3.1 of [Practice Direction 6B](#) is relied on;
 - (b) that the claimant believes that the claim has a reasonable prospect of success; and
 - (c) the defendant's address or, if not known, in what place the defendant is, or is likely, to be found.
- (2) Where the application is made in respect of a claim referred to in paragraph 3.1(3) of [Practice Direction 6B](#), the application must also state the grounds on which the claimant believes that there is between the claimant and the defendant a real issue which it is reasonable for the court to try.
- (3) The court will not give permission unless satisfied that England and Wales is the proper place in which to bring the claim.
- (4) In particular, where –
- (a) the application is for permission to serve a claim form in Scotland or Northern Ireland; and
 - (b) it appears to the court that the claimant may also be entitled to a remedy in Scotland or Northern Ireland, the court, in deciding whether to give permission, will –
- (i) compare the cost and convenience of proceeding there or in the jurisdiction; and
 - (ii) (where relevant) have regard to the powers and jurisdiction of the Sheriff court in Scotland or the county courts or courts of summary jurisdiction in Northern Ireland.
- (5) Where the court gives permission to serve a claim form out of the jurisdiction –
- (a) it will specify the periods within which the defendant may –
- (i) file an acknowledgment of service;
 - (ii) file or serve an admission;
 - (iii) file a defence; or
 - (iv) file any other response or document required by a rule in another Part, any other enactment or a practice direction; and
- (b) it may –
- (i) give directions about the method of service; and
 - (ii) give permission for other documents in the proceedings to be served out of the jurisdiction.
- (The periods referred to in paragraphs (5)(a)(i), (ii) and (iii) are those specified in the Table in [Practice Direction 6B](#).)

...

Methods of service – general provisions

6.40

- (1) This rule contains general provisions about the method of service of a claim form or other document on a party out of the jurisdiction.

Where service is to be effected on a party in Scotland or Northern Ireland

- (2) Where a party serves [a claim form or other document](#) on a party in Scotland or Northern Ireland, it must be served by a method permitted by Section II (and references to 'jurisdiction' in that Section are modified accordingly) or Section III of this Part and rule 6.23(4) applies.

Where service is to be effected on a party out of the United Kingdom

- (3) Where a party wishes to serve a claim form or other document on a party out of the United Kingdom, it may be served –
- (a) by any method provided for by –
- (i) [rule 6.41 \(service in accordance with the Service Regulation\)](#);
 - (ii) [rule 6.42 \(service through foreign governments, judicial authorities and British Consular authorities\)](#); or
 - (iii) [rule 6.44 \(service of claim form or other document on a State\)](#);
- (b) by any method permitted by a Civil Procedure Convention or Treaty; or
 - (c) by any other method permitted by the law of the country in which it is to be served.
- (4) Nothing in paragraph (3) or in any court order authorises or requires any person to do anything which is contrary to the law of the country where the claim form or other document is to be served.
- (The texts of the Civil Procedure Treaties which the United Kingdom has entered into may be found on the Foreign and Commonwealth Office website at <http://www.fco.gov.uk/en/publications-and-documents/treaties/lists-treaties/bilateral-civil-procedure>.)

Service in accordance with the Service Regulation

6.41

(1) This rule applies where a party wishes to serve the claim form or other document in accordance with the Service Regulation.

(2) The party must file –

- (a) the claim form or other document;
- (b) any translation; and
- (c) any other documents required by the Service Regulation.

(3) When a party files the documents referred to in paragraph (2), the court officer will forward the relevant documents to the Senior Master.

(4) Rule 6.47 does not apply to this rule.

(The Service Regulation is annexed to Practice Direction 6B.)

(Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States. The Regulation does not apply to service in EEA states that are not member states of the EU.)

Service through foreign governments, judicial authorities and British Consular authorities

6.42

(1) Where a party wishes to serve a claim form or any other document in any country which is a party to a Civil Procedure Convention or Treaty providing for service in that country, it may be served –

(a) through the authority designated under the Hague Convention or any other Civil Procedure Convention or Treaty (where relevant) in respect of that country; or

(b) if the law of that country permits –

(i) through the judicial authorities of that country, or

(ii) through a British Consular authority in that country (subject to any provisions of the applicable convention about the nationality of persons who may be served by such a method).

(2) Where a party wishes to serve a claim form or any other document in any country with respect to which there is no Civil Procedure Convention or Treaty providing for service in that country, the claim form or other document may be served, if the law of that country so permits –

(a) through the government of that country, where that government is willing to serve it; or

(b) through a British Consular authority in that country.

(3) Where a party wishes to serve the claim form or other document in –

(a) any Commonwealth State which is not a party to the Hague Convention or is such a party but HM Government has not declared acceptance of its accession to the Convention;

(b) the Isle of Man or the Channel Islands; or

(c) any British overseas territory,

the methods of service permitted by paragraphs (1)(b) and (2) are not available and the party or the party's agent must effect service direct, unless Practice Direction 6B provides otherwise.

(A list of British overseas territories is reproduced in paragraph 5.2 of Practice Direction 6B.)

Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities

6.43

(1) This rule applies where a party wishes to serve a claim form or any other document under rule 6.42(1) or 6.42(2).

(2) Where this rule applies, that party must file –

(a) a request for service of the claim form or other document specifying one or more of the methods in rule 6.42(1) or 6.42(2);

(b) a copy of the claim form or other document;

(c) any other documents or copies of documents required by Practice Direction 6B; and

(d) any translation required under rule 6.45.

(3) Where a party files the documents specified in paragraph (2), the court officer will –

(a) seal(GL) the copy of the claim form or other document; and

(b) forward the documents to the Senior Master.

(4) The Senior Master will send documents forwarded under this rule –

(a) where the claim form or other document is being served through the authority designated under the Hague Convention or any other Civil Procedure Convention or Treaty, to that authority; or

(b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the claim form or other document to be served.

(5) An official certificate which –

(a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;

(b) states, where more than one method is requested under paragraph (2)(a), which method was used; and

(c) is made by –

(i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;

(ii) the government or judicial authorities in that country; or

(iii) the authority designated in respect of that country under the a Civil Procedure Convention or Treaty,

is evidence of the facts stated in the certificate.

(6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.

Service of claim form or other document on a State

6.44

(1) This rule applies where a party wishes to serve the claim form or other document on a State.

(2) In this rule, 'State' has the meaning given by section 14 of the State Immunity Act 1978.

(3) The party must file in the Central Office of the Royal Courts of Justice –

(a) a request for service to be arranged by the Foreign and Commonwealth Office;

(b) a copy of the claim form or other document; and

(c) any translation required under rule 6.45.

(4) The Senior Master will send the documents filed under this rule to the Foreign and Commonwealth Office with a request that it arranges for them to be served.

(5) An official certificate by the Foreign and Commonwealth Office stating that a claim form or other document has been duly served on a specified date in accordance with a request made under this rule is evidence of that fact.

(6) A document purporting to be such a certificate is to be treated as such a certificate, unless it is proved not to be.

(7) Where –

(a) section 12(6) of the State Immunity Act 1978 applies; and

(b) the State has agreed to a method of service other than through the Foreign and Commonwealth Office,

the claim form or other document may be served either by the method agreed or in accordance with this rule.

(Section 12(6) of the State Immunity Act 1978 provides that section 12(1) enables the service of a claim form or other document in a manner to which the State has agreed.)

Translation of claim form or other document

6.45

(1) Except where paragraph (4) or (5) applies, every copy of the claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) or 6.44 (service of claim form or other document on a State) must be accompanied by a translation of the claim form or other document.

(2) The translation must be –

(a) in the official language of the country in which it is to be served; or

(b) if there is more than one official language of that country, in any official language which is appropriate to the place in the country where the claim form or other document is to be served.

(3) Every translation filed under this rule must be accompanied by a statement by the person making it that it is a correct translation, and the statement must include that person's name, address and qualifications for making the translation.

(4) A party is not required to file a translation of a claim form or other document filed under rule 6.43 (service through foreign governments, judicial authorities etc.) where the claim form or other document is to be served –

(a) in a country of which English is an official language; or

(b) on a British citizen (within the meaning of the British Nationality Act 1981),

unless a Civil Procedure Convention or Treaty requires a translation.

(5) A party is not required to file a translation of a claim form or other document filed under rule 6.44 (service of claim form or other document on a State) where English is an official language of the State in which the claim form or other document is to be served.

(The Service Regulation contains provisions about the translation of documents.)

Undertaking to be responsible for expenses

6.46 Every request for service filed under rule 6.43 (service through foreign governments, judicial authorities etc.) or rule 6.44 (service of claim form or other document on a State) must contain an undertaking by the person making the request –

(a) to be responsible for all expenses incurred by the Foreign and Commonwealth Office or foreign judicial authority; and

(b) to pay those expenses to the Foreign and Commonwealth Office or foreign judicial authority on being informed of the amount.

Proof of service before obtaining judgment

6.47 Where

(a) a hearing is fixed when the claim form is issued;

(b) the claim form is served on a defendant out of the jurisdiction; and

(c) that defendant does not appear at the hearing,

the claimant may not obtain judgment against the defendant until the claimant files written evidence that the claim form has been duly served in accordance with this Part.

V SERVICE OF DOCUMENTS FROM FOREIGN COURTS OR TRIBUNALS

Scope of this Section

6.48 This Section –

- (a) applies to the service in England and Wales of any document in connection with civil or commercial proceedings in a foreign court or tribunal; but
- (b) does not apply where the Service Regulation (which has the same meaning as in rule 6.31(e)) applies.

Interpretation

6.49 In this Section –

- (a) 'convention country' means a country in relation to which there is a Civil Procedure Convention (which has the same meaning as in rule 6.31(c));
- (b) 'foreign court or tribunal' means a court or tribunal in a country outside of the United Kingdom; and
- (c) 'process server' means –
 - (i) a process server appointed by the Lord Chancellor to serve documents to which this Section applies, or
 - (ii) the process server's agent.

Request for service

6.50 The Senior Master will serve a document to which this Section applies upon receipt of –

- (a) a written request for service –
 - (i) where the foreign court or tribunal is in a convention country, from a consular or other authority of that country; or
 - (ii) from the Secretary of State for Foreign and Commonwealth Affairs, with a recommendation that service should be effected;
- (b) a translation of that request into English;
- (c) two copies of the document to be served; and
- (d) unless the foreign court or tribunal certifies that the person to be served understands the language of the document, two copies of a translation of it into English.

Method of service

6.51 The Senior Master will determine the method of service.

After service

6.52

- (1) Where service of a document has been effected by a process server, the process server must –
 - (a) send to the Senior Master a copy of the document, and
 - (i) proof of service; or
 - (ii) a statement why the document could not be served; and
- (b) if the Senior Master directs, specify the costs incurred in serving or attempting to serve the document.
- (2) The Senior Master will send to the person who requested service –
 - (a) a certificate, sealed with the seal of the Senior Courts for use out of the jurisdiction, stating –
 - (i) when and how the document was served or the reason why it has not been served; and
 - (ii) where appropriate, an amount certified by a costs judge to be the costs of serving or attempting to serve the document; and
 - (b) a copy of the document.

PART 25 - INTERIM REMEDIES AND SECURITY FOR COSTS

II SECURITY FOR COSTS

Security for costs

25.12

- (1) A defendant to any claim may apply under this Section of this Part for security for his costs of the proceedings.
(Part 3 provides for the court to order payment of sums into court in other circumstances. Rule 20.3 provides for this Section of this Part to apply to Part 20 claims)
 - (2) An application for security for costs must be supported by written evidence.
 - (3) Where the court makes an order for security for costs, it will –
 - (a) determine the amount of security; and
 - (b) direct –
 - (i) the manner in which; and
 - (ii) the time within which
- the security must be given.

Conditions to be satisfied

25.13

- (1) The court may make an order for security for costs under rule 25.12 if –
 - (a) it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order; and
 - (b)
 - (i) one or more of the conditions in paragraph (2) applies, or
 - (ii) an enactment permits the court to require security for costs.
 - (2) The conditions are –
 - (a) the claimant is –
 - (i) resident out of the jurisdiction; but
 - (ii) not resident in a Brussels Contracting State, a State bound by the Lugano Convention, a State bound by the 2005 Hague Convention or a Regulation State, as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982;
 - (c) the claimant is a company or other body (whether incorporated inside or outside Great Britain) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;
 - (d) the claimant has changed his address since the claim was commenced with a view to evading the consequences of the litigation;
 - (e) the claimant failed to give his address in the claim form, or gave an incorrect address in that form;
 - (f) the claimant is acting as a nominal claimant, other than as a representative claimant under Part 19, and there is reason to believe that he will be unable to pay the defendant's costs if ordered to do so;
 - (g) the claimant has taken steps in relation to his assets that would make it difficult to enforce an order for costs against him.
- (Rule 3.4 allows the court to strike out a statement of case and Part 24 for it to give summary judgment)

PART 74 - ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

Scope of this Part and interpretation

74.1

- (1) Section I of this Part applies to the enforcement in England and Wales of judgments of foreign courts.
 - (2) Section II applies to the enforcement in foreign countries of judgments of the High Court and of the County Court.
 - (3) Section III applies to the enforcement of United Kingdom judgments in other parts of the United Kingdom.
 - (4) Section IV applies to the enforcement in England and Wales of European Community judgments and Euratom inspection orders.
 - (4A) Section V applies to –
 - (a) the certification of judgments and court settlements in England and Wales as European Enforcement Orders; and
 - (b) the enforcement in England and Wales of judgments, court settlements and authentic instruments certified as European Enforcement Orders by other Member States.
 - (4B) Section VI applies to –
 - (a) the certification in England and Wales of outgoing protection measures; and
 - (b) the enforcement in England and Wales of certified protection measures from Member States of the European Union other than the United Kingdom or Denmark.
 - (5) In this Part –
 - (a) 'the 1920 Act' means the Administration of Justice Act 1920;
 - (b) 'the 1933 Act' means the Foreign Judgments (Reciprocal Enforcement) Act 1933;
 - (c) 'the 1982 Act' means the Civil Jurisdiction and Judgments Act 1982;
 - (d) 'the Judgments Regulation' means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)⁴, as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁵;
- (For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013. p.4)
- (e) 'the EEO Regulation' means Council Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims;

(f) 'the Lugano Convention' means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30th October 2007;

(g) 'the 2005 Hague Convention' means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague.

I ENFORCEMENT IN ENGLAND AND WALES OF JUDGMENTS OF FOREIGN COURTS

Interpretation

74.2

(1) In this Section –

(a) 'Contracting State' has the meaning given in section 1(3) of the 1982 Act;

(b) 'Regulation State' means a Member State;

(c) 'judgment' means, subject to any other enactment, any judgment given by a foreign court or tribunal, whatever the judgment may be called, and includes

(i) a decree;

(ii) an order;

(iii) a decision;

(iv) a writ of execution or a writ of control; and

(v) the determination of costs by an officer of the court;

(d) 'State of origin', in relation to any judgment, means the State in which that judgment was given; and

(e) 'writ of control' is to be construed in accordance with section 62(4) of the Tribunals, Courts and Enforcement Act 2007;

(f) 'writ of execution' includes—

(i) a writ of possession;

(ii) a writ of delivery;

(iii) a writ of sequestration;

(iv) a writ of fieri facias de bonis ecclesiasticis,

and any further writ in favour of any such writs, but does not include a writ of control.

(2) For the purposes of this Section, 'domicile' is to be determined –

(a) in an application under the 1982 Act or the Lugano Convention, in accordance with sections 41 to 46 of that Act;

(b) in an application under the Judgments Regulation, in accordance with paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 20016.

Applications for registration

74.3

(1) This Section provides rules about applications under –

(a) section 9 of the 1920 Act, in respect of judgments to which Part II of that Act applies;

(b) section 2 of the 1933 Act, in respect of judgments to which Part I of that Act applies;

(c) sections 4 and 4B of the 1982 Act; and

(d) the Lugano Convention,

for the registration of foreign judgments for enforcement in England and Wales.

(2) Applications –

(a) must be made to the High Court; and

(b) may be made without notice.

Enforcement under the Judgments Regulation

74.3A

(1) This Section also provides rules about—

(a) the enforcement of foreign judgments in England and Wales under the Judgments Regulation; and

(b) applications for the refusal of recognition and enforcement under the Judgments Regulation.

Evidence in support

74.4

(1) An application for registration of a judgment under the 1920, 1933 or 1982 Act must be supported by written evidence exhibiting –

(a) the judgment or a verified or certified or otherwise authenticated copy of it; and

(b) where the judgment is not in English, a translation of it into English –

(i) certified by a notary public or other qualified person; or

(ii) accompanied by written evidence confirming that the translation is accurate.

(2) The written evidence in support of the application must state –

(a) the name of the judgment creditor and his address for service within the jurisdiction;

(b) the name of the judgment debtor and his address or place of business, if known;

(c) the grounds on which the judgment creditor is entitled to enforce the judgment;

(d) in the case of a money judgment, the amount in respect of which it remains unsatisfied; and

(e) where interest is recoverable on the judgment under the law of the State of origin –

(i) the amount of interest which has accrued up to the date of the application, or

(ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.

(3) Written evidence in support of an application under the 1920 Act must also state that the judgment is not a judgment –

(a) which under section 9 of that Act may not be ordered to be registered; or

(b) to which section 5 of the Protection of Trading Interests Act 1980 applies.

(4) Written evidence in support of an application under the 1933 Act must also –

(a) state that the judgment is a money judgment;

(b) confirm that it can be enforced by execution in the State of origin;

(c) confirm that the registration could not be set aside under section 4 of that Act;

(d) confirm that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980 applies;

(e) where the judgment contains different provisions, some but not all of which can be registered for enforcement, set out those provisions in respect of which it is sought to register the judgment; and

(f) be accompanied by any further evidence as to –

(i) the enforceability of the judgment in the State of origin, and

(ii) the law of that State under which any interest has become due under the judgment, which may be required under the relevant Order in Council extending Part I of the 1933 Act to that State.

(5) Written evidence in support of an application under the 1982 Act must also exhibit –

(a) documents which show that, under the law of the State of origin, the judgment is enforceable on the judgment debtor and has been served;

(b) in the case of a judgment in default, a document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document; and

(c) where appropriate, a document showing that the judgment creditor is in receipt of legal aid in the State of origin.

(5A) Written evidence in support of an application under section 4B of the 1982 Act (registration and enforcement of judgments under the 2005 Hague Convention) must also include any other evidence required by Article 13 of the 2005 Hague Convention.

(6) An application for registration under the Lugano Convention must, in addition to the evidence required by that Convention, be supported by the evidence required by paragraphs (1)(b) and (2)(e) of this rule.

Procedure for enforcing judgments under the Judgments Regulation

74.4A A person seeking the enforcement of a judgment which is enforceable under the Judgments Regulation must, except in a case falling within article 43(3) of the Regulation (protective measures), provide the documents required by article 42 of the Regulation.

Security for costs

74.5

(1) Subject to paragraphs (2) and (3), section II of Part 25 applies to an application for security for the costs of –

(a) the application for registration;

(b) any proceedings brought to set aside the registration;

(c) any appeal against the granting of the registration; and

(d) any application relating to the recognition or enforcement of a judgment pursuant to the Judgments Regulation,

as if the judgment creditor were a claimant.

(2) A judgment creditor making an application under the 1982 Act or the Lugano Convention, the Judgments Regulation may not be required to give security solely on the ground that he is resident out of the jurisdiction.

(3) Paragraph (1) does not apply to an application under the 1933 Act where the relevant Order in Council otherwise provides.

Registration orders

74.6

- (1) An order granting permission to register a judgment ('a registration order') must be drawn up by the judgment creditor and served on the judgment debtor –
- (a) by delivering it to the judgment debtor personally;
 - (b) by any of the methods of service permitted under the Companies Act 2006; or
 - (c) in such other manner as the court may direct.
- (2) Permission is not required to serve a registration order out of the jurisdiction, and rules 6.40, 6.42, 6.43 and 6.46 apply to such an order as they apply to a claim form.
- (3) A registration order must state –
- (a) full particulars of the judgment registered;
 - (b) the name of the judgment creditor and his address for service within the jurisdiction;
 - (c) the right of the judgment debtor –
 - (i) in the case of registration following an application under the 1920 or the 1933 Act, to apply to have the registration set aside;
 - (ii) in the case of registration following an application under the 1982 Act or the Lugano Convention, to appeal against the registration order;
 - (d) the period within which such an application or appeal may be made; and
 - (e) that no measures of enforcement will be taken before the end of that period, other than measures ordered by the court to preserve the property of the judgment debtor.

Applications to set aside registration

74.7

- (1) An application to set aside registration under the 1920 or the 1933 Act must be made within the period set out in the registration order.
- (2) The court may extend that period; but an application for such an extension must be made before the end of the period as originally fixed or as subsequently extended.
- (3) The court hearing the application may order any issue between the judgment creditor and the judgment debtor to be tried.

Refusal of recognition or enforcement under the Judgments Regulation

74.7A

- (1) An application under article 45 or 46 of the Judgments Regulation that the court should refuse to recognise or enforce a judgment must be made—
- (a) in accordance with Part 23; and
 - (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court.
- (2) An appeal against a decision granting or refusing an application for refusal of recognition or enforcement of a judgment under the Judgments Regulation must be made in accordance with Part 52, subject to the following provisions of this rule.
- (3) Permission is not required to—
- (a) appeal; or
 - (b) put in evidence.
- (4) Unless the court orders otherwise, the judgment debtor must, as soon as practicable, serve copies of any order made under article 45 or 46 or in any appeal under article 49 on—
- (a) all other parties to the proceedings and any other person affected by the order;
 - (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
 - (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,
- and any such order will not have effect on any person until it has been served.
- (5) The court may require the judgment creditor to disclose to the judgment debtor the court or courts in which any proceedings relating to enforcement of the judgment are pending in England and Wales.

Relief against enforcement under the Judgments Regulation

74.7B

- (1) An application for relief under article 44 of the Judgments Regulation must be made—
- (a) in accordance with Part 23; and
 - (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court.
- (2) The judgment debtor must, as soon as practicable, serve copies of any order made under article 44 on—
- (a) all other parties to the proceedings and any other person affected by the order;
 - (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
 - (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,
- and any such order will not have effect on any person until it has been served.

Suspension of proceedings in which a judgment is invoked under the Judgments Regulation

74.7C

- (1) The court may suspend proceedings under article 38 of the Judgments Regulation either on its own initiative or on the application of any party.
- (2) An application for suspension of proceedings under article 38 of the Judgments Regulation must be made—
- (a) in accordance with Part 23; and
 - (b) to the court in which the judgment is invoked.
- (3) The judgment debtor must, as soon as practicable, serve copies of any order made under article 38 on—
- (a) all other parties to the proceedings and any other person affected by the order;
 - (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
 - (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,
- and any such order will not have effect on any person until it has been served.

Appeals

74.8

- (1) An appeal against the granting or the refusal of registration under the 1982 Act or the Lugano Convention must be made in accordance with Part 52, subject to the following provisions of this rule.
- (2) Permission is not required –
- (a) to appeal; or
 - (b) to put in evidence.
- (3) If –
- (a) the judgment debtor is not domiciled within a Contracting State, and
 - (b) an application to extend the time for appealing is made within two months of service of the registration order
- the court may extend the period for filing an appellant's notice against the order granting registration, but not on grounds of distance.
- (4) The appellant's notice must be served –
- (a) where the appeal is against the granting of registration, within –
 - (i) one month; or
 - (ii) where service is to be effected on a party not domiciled within the jurisdiction, two months
- of service of the registration order;
- (b) where the appeal is against the refusal of registration, within one month of the decision on the application for registration.

Enforcement

74.9

- (1) In relation to enforcement of a judgment to which the Judgments Regulation applies, the judgment creditor must comply with article 43 of the Regulation.
- (2) In relation to a judgment to which the Judgments Regulation does not apply, no steps may be taken to enforce the judgment—
- (a) before the end of the period specified in accordance with rule 74.6(3)(d), or that period as extended by the court; or
 - (b) where there is an application under rule 74.7 or an appeal under rule 74.3, until the application or appeal has been determined.
- (3) Any party wishing to enforce a judgment to which the Judgments Regulation does not apply must file evidence of the service on the judgment debtor of—
- (a) the registration order; and
 - (b) any other relevant order of the court.
- (4) Nothing in this rule prevents the court from making orders to preserve the property of the judgment debtor pending final determination of any issue relating to the enforcement of the judgment.

Recognition

74.10

- (1) Registration of a judgment serves as a decision that the judgment is recognised for the purposes of the 1982 Act, the Lugano Convention and the 2005 Hague Convention.
- (2) An application for recognition of a judgment is governed by the same rules as an application for registration of a judgment under the 1982 Act, the Lugano Convention and the 2005 Hague Convention, except that rule 74.4(5)(a) and (c) does not apply.

Authentic instruments and court settlements

74.11

The rules governing the registration of judgments under the 1982 Act and the Lugano Convention and applications for the refusal of recognition or enforcement or suspension of any judgments under the Judgments Regulation apply as appropriate and with any necessary modifications for the enforcement of –

- (a) authentic instruments which are subject to –
 - (i) article 50 of Schedule 3C to the 1982 Act;
 - (ii) article 57 of the Lugano Convention;
 - (iii) article 58 of the Judgments Regulation; and

- (iv) article 12 of the 2005 Hague Convention.
- (b) court settlements which are subject to –
 - (i) article 51 of Schedule 1 to the 1982 Act;
 - (ii) article 58 of the Lugano Convention; and
 - (iii) articles 59 and 60 of the Judgments Regulation.

Adaptation of certain orders in foreign judgments subject to the Judgments Regulation

74.11A

(1) In this rule, an “adaptation order” means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of England and Wales pursuant to article 54 of the Judgments Regulation.

(2) The court may make an adaptation order on its own initiative or on an application by any party.

(3) In accordance with article 54(1) of the Judgments Regulation, an adaptation order may only result in a remedy whose legal effects are equivalent to those contained in the judgment and which does not produce such effects extending beyond those provided for under the law of England and Wales.

(4) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure without an adaptation order must be made—

- (a) to the High Court; and
- (b) in accordance with Part 23.

II ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS OF THE HIGH COURT AND THE COUNTY COURT

Application for a certified copy of a judgment

74.12

(1) This Section applies to applications –

- (a) to the High Court under section 10 of the 1920 Act;
- (b) to the High Court or to the County Court under section 10 of the 1933 Act;
- (c) to the High Court or to the County Court under section 12 of the 1982 Act; or
- (d) to the High Court or to the County Court under article 53 of the Judgments Regulation or under article 54 of the Lugano Convention.

(2) A judgment creditor who wishes to enforce in a foreign country a judgment obtained in the High Court or in the County Court—

- (a) must apply for a certified copy of the judgment; and
 - (b) if applying under article 53 of the Judgments Regulation, must apply to the court which gave the judgment by filing a draft of the certificate in the form in Annex I to the Judgments Regulation.
- (3) The application may be made without notice.

Evidence in support

74.13

(1) The application must be supported by written evidence exhibiting copies of –

- (a) the claim form in the proceedings in which judgment was given;
- (b) evidence that it was served on the defendant;
- (c) the statements of case; and
- (d) where relevant, a document showing that for those proceedings the applicant was an assisted person or an LSC funded client, as defined in rule 43.2(1)(h) and (i).

(2) The written evidence must –

- (a) identify the grounds on which the judgment was obtained;
- (b) state whether the defendant objected to the jurisdiction and, if he did, the grounds of his objection;
- (c) show that the judgment –
 - (i) has been served in accordance with Part 6 and rule 40.4, and
 - (ii) is not subject to a stay of execution;
- (d) state –
 - (i) the date on which the time for appealing expired or will expire;
 - (ii) whether an appeal notice has been filed;
 - (iii) the status of any application for permission to appeal; and
 - (iv) whether an appeal is pending;
- (e) state whether the judgment provides for the payment of a sum of money, and if so, the amount in respect of which it remains unsatisfied;
- (f) state whether interest is recoverable on the judgment, and if so, either –
 - (i) the amount of interest which has accrued up to the date of the application, or
 - (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.

III ENFORCEMENT OF UNITED KINGDOM JUDGMENTS IN OTHER PARTS OF THE UNITED KINGDOM

...

IV ENFORCEMENT IN ENGLAND AND WALES OF EUROPEAN COMMUNITY JUDGMENTS

Interpretation

74.19

In this Section –

- (a) “Community judgment” means any judgment, decision or order which is enforceable under –
 - (i) article 280 or 299 of the Treaty on the Functioning of the European Union;
 - (ii) article 18 or 164 of the Euratom Treaty;
 - (iii) omitted;
 - (iv) article 86 of Council Regulation (EC) 207/2009 of 26 February 2009 on the Community trade mark;
 - (v) article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs;
 - (vi) article 36a or 36b of Regulation (EC) 1060/2009 on credit rating agencies; or
 - (vii) article 65 or 66 of Regulation (EU) 648/2012 on OTC derivatives, central counterparties and trade repositories;
- (b) “Euratom inspection order” means an order made by the President of the European Court, or a decision of the Commission of the European Union, under article 81 of the Euratom Treaty;
- (c) “European Court” means the Court of Justice of the European Union;
- (d) “order for enforcement” means an order under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom.

Application for registration of a Community judgment

74.20 An application to the High Court for the registration of a Community judgment may be made without notice.

Evidence in support

74.21

(1) An application for registration must be supported by written evidence exhibiting –

- (a) the Community judgment and the order for its enforcement, or an authenticated copy; and
- (b) where the judgment is not in English, a translation of it into English –
 - (i) certified by a notary public or other qualified person; or
 - (ii) accompanied by written evidence confirming that the translation is accurate.
- (2) Where the application is for registration of a Community judgment which is a money judgment, the evidence must state –
 - (a) the name of the judgment creditor and his address for service within the jurisdiction;
 - (b) the name of the judgment debtor and his address or place of business, if known;
 - (c) the amount in respect of which the judgment is unsatisfied; and
 - (d) that the European Court has not suspended enforcement of the judgment.

Registration orders

74.22

(1) A copy of the order granting permission to register a Community judgment (‘the registration order’) must be served on every person against whom the judgment was given.

- (2) The registration order must state the name and address for service of the person who applied for registration, and must exhibit –
- (a) a copy of the registered Community judgment; and
 - (b) a copy of the order for its enforcement.
- (3) In the case of a Community judgment which is a money judgment, the registration order must also state the right of the judgment debtor to apply within 28 days for the variation or cancellation of the registration under rule 74.23.

Application to vary or cancel registration

74.23

- (1) An application to vary or cancel the registration of a Community judgment which is a money judgment on the ground that at the date of registration the judgment had been partly or wholly satisfied must be made within 28 days of the date on which the registration order was served on the judgment debtor.
- (2) The application must be supported by written evidence.

Enforcement

74.24 No steps may be taken to enforce a Community judgment which is a money judgment –

- (a) before the end of the period specified in accordance with rule 74.23(1); or
- (b) where an application is made under that rule, until it has been determined.

Application for registration of suspension order

74.25

- (1) Where the European Court has made an order that the enforcement of a registered Community judgment should be suspended, an application for the registration of that order in the High Court is made by filing a copy of the order in the Central Office of the Senior Courts.
- (2) The application may be made without notice.

Registration and enforcement of a Euratom inspection order

74.26

- (1) Rules 74.20, 74.21(1), and 74.22(1) and (2), which apply to the registration of a Community judgment, also apply to the registration of a Euratom inspection order but with the necessary modifications.
- (2) An application under article 6 of the European Communities (Enforcement of Community Judgments) Order 1978 to give effect to a Euratom inspection order may be made on written evidence, and –
- (a) where the matter is urgent, without notice;
 - (b) otherwise, by claim form.

V EUROPEAN ENFORCEMENT ORDERS

Interpretation

74.27

- (1) In this Section –
- (a) 'European Enforcement Order' has the meaning given in the EEO Regulation;
 - (b) 'EEO' means European Enforcement Order;
 - (c) 'judgment', 'authentic instrument', 'member state of origin', 'member state of enforcement', and 'court of origin' have the meanings given by Article 4 of the EEO Regulation; and
 - (d) 'Regulation State' has the same meaning as 'Member State' in the EEO Regulation, that is all Member States except Denmark.

Certification of Judgments of the Courts of England and Wales

74.28 An application for an EEO certificate must be made by filing the relevant practice form in accordance with Article 6 of the EEO Regulation.

Applications for a certificate of lack or limitation of enforceability

74.29 An application under Article 6(2) of the EEO Regulation for a certificate indicating the lack or limitation of enforceability of an EEO certificate must be made to the court of origin by application in accordance with Part 23.

Applications for rectification or withdrawal

74.30 An application under Article 10 of the EEO Regulation for rectification or withdrawal of an EEO certificate must be made to the court of origin and may be made by application in accordance with Part 23.

Enforcement of European Enforcement Orders in England and Wales

74.31

- (1) A person seeking to enforce an EEO in England and Wales must lodge at the court in which enforcement proceedings are to be brought the documents required by Article 20 of the EEO Regulation.
- (2) Where a person applies to enforce an EEO expressed in a foreign currency, the application must contain a certificate of the sterling equivalent of the judgment sum at the close of business on the date nearest preceding the date of the application.
- (Part 70 contains further rules about enforcement.)

Refusal of Enforcement

74.32

- (1) An application under Article 21 of the EEO Regulation that the court should refuse to enforce an EEO must be made by application in accordance with Part 23 to the court in which the EEO is being enforced.
- (2) The judgment debtor must, as soon as practicable, serve copies of any order made under Article 21(1) on –
- (a) all other parties to the proceedings and any other person affected by the order ('the affected persons'); and
 - (b) any court in which enforcement proceedings are pending in England and Wales ('the relevant courts').
- (3) Upon service of the order on the affected persons, all enforcement proceedings under the EEO in the relevant courts will cease.

Stay of or limitation on enforcement

74.33

- (1) Where an EEO certificate has been lodged and the judgment debtor applies to stay or limit the enforcement proceedings under Article 23 of the EEO Regulation, such application must be made in accordance with Part 23 to the court in which the EEO is being enforced.
- (2) The judgment debtor shall, as soon as practicable, serve a copy of any order made under the Article on –
- (a) all other parties to the proceedings and any other person affected by the order; and
 - (b) any court in which enforcement proceedings are pending in England and Wales;
- and the order will not have effect on any person until it has been served in accordance with this rule and they have received it.

VI RECOGNITION AND ENFORCEMENT OF PROTECTION MEASURES

Interpretation

74.34 In this Section—

- (a) "Article 5 certificate" means a certificate issued under Article 5 of the Protection Measures Regulation;
- (b) "Article 8 notice" means the notification required by Article 8 of the Protection Measures Regulation;
- (c) "Article 11 notice" means the notification required by Article 11 of the Protection Measures Regulation;
- (d) "Article 14 certificate" means a certificate issued under Article 14 of the Protection Measures Regulation;
- (e) "incoming protection measure" means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;
- (f) "outgoing protection measure" means any protection measure included in any of—
 - (i) an injunction issued for the purpose mentioned in section 3(3)(a) of the Protection from Harassment Act 1997;
 - (ii) any other injunction or order of the County Court;
 - (iii) an undertaking accepted by the County Court;
 - (iv) in proceedings to which these Rules apply—
 - (aa) any other injunction or order of the High Court;
 - (bb) an undertaking accepted by the High Court;
- (g) "person causing the risk" has the meaning given to it in the Protection Measures Regulation;
- (h) "protected person" has the meaning given to it in the Protection Measures Regulation;
- (i) "protection measure" has the meaning given to it in the Protection Measures Regulation;
- (j) "Protection Measures Regulation" means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters¹⁰.

Procedure for applications in this Section

74.35 Subject to the rules in this Section, applications under the Protection Measures Regulation to the County Court or to the High Court must be made in accordance with Part 23.

OUTGOING PROTECTION MEASURES

Application for an Article 5 certificate

74.36

- (1) A protected person may apply for an Article 5 certificate—

- (a) at the time of application for an injunction or other order containing an outgoing protection measure; or
 - (b) at any time after such application, provided—
 - (i) the order or undertaking containing the outgoing protection measure has not yet been made or accepted as the case may be; or
 - (ii) the outgoing protection measure is still in force.
- (2) An application for an Article 5 certificate may be made without notice.

The court to which an application for an Article 5 certificate must be made

74.37 An application for an Article 5 certificate must be made—

- (a) where the outgoing protection measure has not yet been ordered or accepted—
- (i) to the County Court if the proceedings relating to the outgoing protection measure are before the County Court; or
- (ii) to the High Court if the proceedings relating to the outgoing protection measure are before the High Court; or
- (b) where the outgoing protection measure has been ordered or accepted—
- (i) to the County Court if that court made the order or accepted the undertaking as the case may be; or
- (ii) to the High Court if that court made the order or accepted the undertaking as the case may be.

When a request for a translation of an Article 5 certificate may be made

74.38 A protected person may request a translation of an Article 5 certificate—

- (a) at the time of application for the Article 5 certificate; or
- (b) at any time after such application, provided the Article 5 certificate—
- (i) has not yet been issued; or
- (ii) if issued, is still in force.

The court to which a request for a translation of an Article 5 certificate must be made

74.39 A request for a translation of an Article 5 certificate must be made—

- (a) if the certificate has not yet been issued, to—
- (i) the County Court if the application for the certificate is before the County Court;
- (ii) the High Court if the application for the certificate is before the High Court;
- (b) if the certificate has been issued, to—
- (i) the County Court if the County Court issued it;
- (ii) the High Court if the High Court issued it.

Service requirements under Article 6

74.4

- (1) Where the outgoing protection measure is included in an order, the court may only issue an Article 5 certificate if satisfied that the order has been served on the person causing the risk in accordance with the requirements specified in rule 81.5, unless the court has dispensed with service of the order in accordance with the requirements specified in rule 81.8.
- (2) Where the protected person is responsible for serving the order on the person causing the risk, any application for an Article 5 certificate must be accompanied by a certificate of service.

Notification of the certificate under Article 8

74.41

- (1) Subject to paragraph (2), Article 8 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 6 and the rules in that Section shall apply to service of the notice as they apply to any other document to be served.
- (2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 8 notice must be given by sending it by registered letter with acknowledgement of receipt or confirmation of delivery or equivalent to the last known place of residence of that person.

Rectification of an Article 5 certificate

74.42

- (1) An application pursuant to Article 9 of the Protection Measures Regulation for rectification of an Article 5 certificate must be made to—
- (a) the County Court if the County Court issued the certificate;
- (b) the High Court if the High Court issued the certificate.
- (2) An application for such rectification may be made by—
- (a) the protected person; or
- (b) the person causing the risk.
- (3) An Article 5 certificate may be rectified pursuant to Article 9(1)(a) of the Protection Measures Regulation by the court—
- (a) on application under this rule; or
- (b) on its own initiative.

Withdrawal of an Article 5 certificate

74.43

- (1) An application pursuant to Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate must be made to—
- (a) the County Court if the County Court issued the certificate;
- (b) the High Court if the High Court issued the certificate.
- (2) An application for such withdrawal may be made by—
- (a) the protected person; or
- (b) the person causing the risk.
- (3) An Article 5 certificate may be withdrawn pursuant to Article 9(1)(b) of the Protection Measures Regulation by the court—
- (a) on application under this rule; or
- (b) on its own initiative.

When an application for an Article 14 certificate may be made

74.44 A protected person or person causing the risk may apply for an Article 14 certificate—

- (a) at the time of application to vary or set aside the order containing the outgoing protection measure, or for acceptance of a variation or setting aside of the undertaking containing the outgoing protection measure, as the case may be;
- (b) at any time after the order containing the outgoing protection measure has been varied or set aside or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, as the case may be;
- (c) at any time after an Article 5 certificate has been withdrawn under Article 9 of the Protection Measures Regulation; or
- (d) on, or at any time after, the making of an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure.

The court to which an application for an Article 14 certificate must be made

74.45 An application for an Article 14 certificate must be made—

- (a) if the order containing the outgoing protection measure has not yet been varied or set aside or a variation or setting aside of the undertaking containing the protection measure has not yet been accepted, as the case may be, to—
- (i) the County Court if the application for such variation or setting aside is before the County Court; or
- (ii) the High Court if the application for such variation or setting aside is before the High Court; or
- (b) if there has been an application under Article 9 of the Protection Measures Regulation for withdrawal of the Article 5 certificate, and that application has not yet been decided, to—
- (i) the County Court if the application for such withdrawal is before the County Court; or
- (ii) the High Court if the application for such withdrawal is before the High Court; or
- (c) if the order containing the outgoing protection measure has been varied or set aside, or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, to—
- (i) the County Court if the County Court ordered or accepted such variation or setting aside, as the case may be; or
- (ii) the High Court if the High Court ordered or accepted such variation or setting aside, as the case may be; or
- (d) if an Article 5 certificate has been withdrawn under Article 9, to—
- (i) the County Court if the County Court ordered such withdrawal;
- (ii) the High Court if the High Court ordered such withdrawal; or
- (e) where enforcement of the order has been stayed or suspended, to—
- (i) the County Court if the County Court made the order for the stay or suspension; or
- (ii) the High Court if the High Court made the order for the stay or suspension.

INCOMING PROTECTION MEASURES

Application for adjustment under Article 11

74.46 A protected person may apply to the court under Article 11 of the Protection Measures Regulation to adjust the factual elements of an incoming protection measure.

Notification of the adjustment under Article 11

74.47

(1) Subject to paragraph (2), Article 11 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 6 and the rules in that Section apply to service of the notice as they apply to any other document to be served.

(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 11 notice must be given by sending it by registered letter with acknowledgment of receipt or other confirmation of delivery or equivalent to the last known place of residence of that person.

Enforcement of an incoming protection measure

74.48 Section II of Part 81 applies to applications in relation to a breach of an incoming protection measure as if the incoming protection measure had been ordered by the County Court.

Application for refusal of recognition or enforcement under Article 13

74.49 A person causing the risk may apply to the court under Article 13 of the Protection Measures Regulation for refusal of recognition or enforcement of an incoming protection measure.

Application under Article 14(2)

74.50

(1) This rule applies where an Article 14 certificate has been issued in a Member State of the European Union other than the United Kingdom or Denmark.

(2) A protected person or person causing the risk may apply to the court to stay, suspend or withdraw the effects of recognition or, where applicable, the enforcement of the protection measure.

(3) An application under this rule must include a copy of the Article 14 certificate issued in the other Member State.

(4) On an application under this rule, the court must make such orders or give such directions as may be necessary to give effect to the Article 14 certificate.

B9**Civil Proceedings Fees Order 2008****Schedule 1 Fees to be taken**

Column 1	Column 2
Number and description of fee	Amount of fee
1 Starting proceedings (High Court and County Court)	
1.1 On starting proceedings (including proceedings issued after permission to issue is granted but excluding CCBC cases brought by Centre users or cases brought by Money Claim OnLine users) to recover a sum of money where the sum claimed:	
(a) does not exceed £300;	£35
(b) exceeds £300 but does not exceed £500;	£50
(c) exceeds £500 but does not exceed £1,000;	£70
(d) exceeds £1,000 but does not exceed £1,500;	£80
(e) exceeds £1,500 but does not exceed £3,000;	£115
(f) exceeds £3,000 but does not exceed £5,000;	£205
(g) exceeds £5,000 but does not exceed £10,000;	£455
(h) exceeds £10,000 but does not exceed £200,000;	5% of the value of the claim
(i) exceeds £200,000 or is not limited.	£10,000
1.2 On starting proceedings in CCBC cases brought by Centre users or cases brought by Money Claim OnLine users, to recover a sum of money where the sum claimed:	
(a) does not exceed £300;	£25
(b) exceeds £300 but does not exceed £500;	£35
(c) exceeds £500 but does not exceed £1,000;	£60
(d) exceeds £1,000 but does not exceed £1,500;	£70
(e) exceeds £1,500 but does not exceed £3,000;	£105
(f) exceeds £3,000 but does not exceed £5,000;	£185
(g) exceeds £5,000 but does not exceed £10,000;	£410
(h) exceeds £10,000 but does not exceed £100,000.	4.5% of the value of the claim
Fee 1.1	
Where the claimant does not identify the value of the claim when starting proceedings to recover a sum of money, the fee payable is the one applicable to a claim where the sum is not limited.	
Fees 1.1 and 1.2.	
Where the claimant is making a claim for interest on a specified sum of money, the amount on which the fee is calculated is the total amount of the claim and the interest.	
1.4 On starting proceedings for the recovery of land:	
(a) in the High Court;	£480
(b) in the County Court, other than where fee 1.4(c) applies;	£355
(c) using the Possession Claims Online website.	£325
1.5 On starting proceedings for any other remedy (including proceedings issued after permission to issue is granted):	
in the High Court;	£528
in the County Court.	£308
Fees 1.1, 1.4 and 1.5. Recovery of land or goods.	
Where a claim for money is additional or alternative to a claim for recovery of land or goods, only fee 1.4 or 1.5 is payable.	
Fees 1.1 and 1.5. Claims other than recovery of land or goods.	
Where a claim for money is additional to a non money claim (other than a claim for recovery of land or goods), then fee 1.1 is payable in addition to fee 1.5.	
Where a claim for money is alternative to a non money claim (other than a claim for recovery of land or goods), only fee 1.1 is payable in the High Court, and, in the County Court, whichever is greater of fee 1.1 or fee 1.5 is payable.	
Fees 1.1 and 1.5.	
Where more than one non money claim is made in the same proceedings, fee 1.5 is payable once only, in addition to any fee which may be payable under fee 1.1.	
Fees 1.1 and 1.5 are not payable where fee 1.8(b), fee 1.9(a), fee 3 or fee 10.1 applies.	
Fees 1.1 and 1.5. Amendment of claim or counterclaim.	
Where the claim or counterclaim is amended, and the fee paid before amendment is less than that which would have been payable if the document, as amended, had been so drawn in the first instance, the party amending the document must pay the difference.	
1.6 On the filing of proceedings against a party or parties not named in the proceedings.	£55
Fee 1.6 is payable by a defendant who adds or substitutes a party or parties to the proceedings or by a claimant who adds or substitutes a defendant or defendants.	
1.7 On the filing of a counterclaim.	The same fee as if the remedy sought were the subject of separate proceedings
No fee is payable on a counterclaim which a defendant is required to make under rule 57.8 of the CPR (requirement to serve a counterclaim if a defendant makes a claim or seeks a remedy in relation to a grant of probate of a will, or letters of administration of an estate, of a deceased person).	
1.8(a) On an application for permission to issue proceedings.	£55
(b) On an application for an order under Part 3 of the Solicitors Act 1974 for the assessment of costs payable to a solicitor by a client or on starting costs-only proceedings.	£55
1.9(a) For permission to apply for judicial review.	£154
1.9(b) On applying for a request to reconsider at a hearing a decision on permission.	£385
Where the court has made an order giving permission to proceed with a claim for judicial review, there is payable by the claimant within 7 days of service on the claimant of that order:	
1.9(c) if the proceedings have been started by an application for permission to apply for judicial review.	£770
Where fee 1.9(b) has been paid and permission has been granted at a hearing, the amount payable under fee 1.9(c) is £385.	
1.9(d) if the claim for judicial review was started otherwise than by an application for permission to apply for judicial review.	£154
2 General Fees (High Court and County Court)	
2.1 On the court fixing a trial date or trial period for a case allocated to:	
(a) the multi-track;	£1,090
(b) the fast track;	£545
(c) the small claims track where the sum claimed:	
(i) does not exceed £300;	£25
(ii) exceeds £300 but does not exceed £500;	£55
(iii) exceeds £500 but does not exceed £1,000;	£80
(iv) exceeds £1,000 but does not exceed £1,500;	£115
(v) exceeds £1,500 but does not exceed £3,000;	£170
(vi) exceeds £3,000.	£335

Where notice of trial date or trial period is given by the court 36 days or more before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable at least 28 days prior to the trial date or the Monday of the first week of the notified trial period.	
Where notice of trial date or trial period is given by the court less than 36 days before the trial date or the Monday of the first week of the notified trial period, fee 2.1 is payable within 7 days after the date on which such notice is given.	
Where the court gives notice of both a trial date and a trial period, the fee is payable by reference to the Monday of the first week of the notified trial period.	
Written notice is given on the date on which the notice is sent out from the court. Oral notice is given on the date on which the notice is communicated by the court. Where notice is both in written form and given orally, the notice is given on the date that the written notice is sent out from the court.	
Where an application for fee remission is refused in whole or in part, fee 2.1 (or the amount of the fee which remains unremitted) is payable either:	
(a) within 7 days after the court giving notice of refusal of fee remission (or refusal in part); or	
(b) at least 28 days prior to the trial date or the Monday of the first week of the notified trial period, whichever is latest.	
Fee 2.1 is payable by the claimant except where the action is proceeding on the counterclaim alone, when it is payable by the defendant.	
Fee 2.1 is not payable in respect of a case where the court fixed the trial date on the issue of the claim.	
2.2 In the High Court on filing: an appellant's notice: or a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court.	£240
2.3 In the County Court on filing: an appellant's notice, or a respondent's notice where the respondent is appealing or wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court:	
(a) in a claim allocated to the small claims track;	£120
(b) in all other claims.	£140
Fees 2.2 and 2.3 do not apply on appeals against a decision made in detailed assessment proceedings.	
2.4 (a) On an application on notice where no other fee is specified, except for applications referred to in fee 2.4(b).	£255
(b) On an application on notice where no other fee is specified made—	£155
(i) under section 3 of the Protection from Harassment Act 1997 13; or	
(ii) for a payment out of funds deposited in court.	
2.5 (a) On an application by consent or without notice where no other fee is specified, except for applications referred to in fee 2.5(b).	£100
(b) On an application made by consent or without notice where no other fee is specified made—	£50
(i) under section 3 of the Protection from Harassment Act 1997; or	
(ii) for a payment out of funds deposited in court.	
Fees 2.4(a) and 2.5(b) are not payable in proceedings to which fees 3.11 and 3.12 apply. 14	
2.6 On an application for a summons or order for a witness to attend court to be examined on oath or an order for evidence to be taken by deposition, other than an application for which fee 7.2 or 8.3 is payable.	£50
2.7 On an application to vary a judgment or suspend enforcement, including an application to suspend a warrant of possession.	£50
Where more than one remedy is sought in the same application only one fee is payable.	
2.8 Register of judgments, orders and fines kept under section 98 of the Courts Act 2003: On a request for the issue of a certificate of satisfaction.	£15
3 Companies Act 1985, Companies Act 2006 and Insolvency Act 1986 (High Court and County Court)	
3.1 On entering a bankruptcy petition:	
(a) if presented by a debtor or the personal representative of a deceased debtor;	£180
(b) if presented by a creditor or other person.	£280
3.2 On entering a petition for an administration order.	£280
3.3 On entering any other petition.	£280
One fee only is payable where more than one petition is presented in relation to a partnership.	
3.4(a) On a request for a certificate of discharge from bankruptcy;	£70
(b) after the first certificate, for each copy.	£10
3.5 On an application under the Companies Act 1985, the Companies Act 2006 or the Insolvency Act 1986 other than one brought by petition and where no other fee is specified.	£280
Fee 3.5 is not payable where the application is made in existing proceedings.	
3.6. On the conversion of insolvency proceedings into a different type of insolvency proceedings under Article 51 of Regulation (EU) 2015/848 of the European Parliament and of the Council.	£160
16	
3.7 On an application, for the purposes of Regulation (EU) 2015/848 of the European Parliament and of the Council 17, for an order confirming creditors' voluntary winding up (where the company has passed a resolution for voluntary winding up, and no declaration under section 89 of the Insolvency Act 1986 has been made).	£50
3.8 On filing:	£50
a notice of intention to appoint an administrator under paragraph 14 of Schedule B1 to the Insolvency Act 1986 or in accordance with paragraph 27 of that Schedule; or	
a notice of appointment of an administrator in accordance with paragraphs 18 or 29 of that Schedule.	
Where a person pays fee 3.8 on filing a notice of intention to appoint an administrator, no fee is payable on that same person filing a notice of appointment of that administrator.	
3.9 On submitting a nominee's report under section 2(2) of the Insolvency Act 1986.	£50
3.10 On filing documents in accordance with paragraph 7(1) of Schedule A1 to the Insolvency Act 1986.	£50
3.11 On an application by consent or without notice within existing proceedings where no other fee is specified.	£50
3.12 On an application with notice within existing proceedings where no other fee is specified.	£155
3.13 On a search in person of the bankruptcy and companies records, in the County Court.	£45
Requests and applications with no fee:	
No fee is payable on a request or on an application to the Court by the Official Receiver when applying only in the capacity of Official Receiver to the case (and not as trustee or liquidator), or on an application to set aside a statutory demand.	
4 Copy Documents (Court of Appeal, High Court and County Court)	
4.1 On a request for a copy of a document (other than where fee 4.2 applies):	
(a) for ten pages or less;	£10
(b) for each subsequent page.	50p
Note: The fee payable under fee 4.1 includes:	
where the court allows a party to fax to the court for the use of that party a document that has not been requested by the court and is not intended to be placed on the court file;	
where a party requests that the court fax a copy of a document from the court file; and	
where the court provides a subsequent copy of a document which it has previously provided.	
4.2 On a request for a copy of a document on a computer disk or in other electronic form, for each such copy.	£10

5 Determination of costs (Senior Court and County Court)

Fee 5 does not apply to the determination in the Senior Courts of costs incurred in the Court of Protection.

5.1 On the filing of a request for detailed assessment where the party filing the request is legally aided, is funded by the Legal Aid Agency or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and no other party is ordered to pay the costs of the proceedings. £220

5.2 On the filing of a request for detailed assessment in any case where fee 5.1 does not apply, or on the filing of a request for a hearing date for the assessment of costs payable to a solicitor by a client pursuant to an order under Part 3 of the Solicitors Act 1974 19, where (in either case) the amount of costs claimed:

(a) does not exceed £15,000;	£369
(b) exceeds £15,000 but does not exceed £50,000;	£743
(c) exceeds £50,000 but does not exceed £100,000;	£1,106
(d) exceeds £100,000 but does not exceed £150,000;	£1,480
(e) exceeds £150,000 but does not exceed £200,000;	£1,848
(f) exceeds £200,000 but does not exceed £300,000;	£2,772
(g) exceeds £300,000 but does not exceed £500,000;	£4,620
(h) exceeds £500,000.	£6,160

Where there is a combined assessment of costs: party and party costs and legal aid costs; party and party costs and Legal Aid Agency costs; party and party costs and Lord Chancellor costs; or party and party costs and one or more of legal aid costs, Legal Aid Agency costs or Lord Chancellor determination of costs, fee 5.2 must be attributed proportionately to the party and party, legal aid, Legal Aid Agency or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.

5.3 On a request for the issue of a default costs certificate. £66

5.4 On commencing an appeal against a decision made in detailed assessment proceedings. £231

5.5 On a request or application to set aside a default costs certificate. £121

6 Determination in the Senior Courts of costs incurred in the Court of Protection

6.1 On the filing of a request for detailed assessment:

(a) where the amount of the costs to be assessed (excluding VAT and disbursements) does not exceed £3,000;	£115
(b) in all other cases.	£225

6.2 On an appeal against a decision made in detailed assessment proceedings. £65

6.3 On a request or application to set aside a default costs certificate. £65

7 Enforcement in the High Court

7.1 On sealing a writ of control/possession/delivery. £66

Where the recovery of a sum of money is sought in addition to a writ of possession and delivery, no further fee is payable.

7.2 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order. £55

7.3(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. £110

Fee 7.3(a) is payable in respect of each third party against whom the order is sought.

(b) On an application for a charging order. £110

Fee 7.3(b) is payable in respect of each charging order applied for.

7.4 On an application for a judgment summons. £110

7.5 On a request or application to register a judgment or order, or for permission to enforce an arbitration award, or for a certificate or a certified copy of a judgment or order for use abroad. £66

8 Enforcement in the County Court

8.1 On an application for or in relation to enforcement of a judgment or order of the County Court or through the County Court, by the issue of a warrant of control against goods except a warrant to enforce payment of a fine:

(a) in CCBC cases, or cases in which a warrant of control is requested in accordance with paragraph 11.2 of Practice Direction 7E to the Civil Procedure Rules (Money Claim Online cases);	£77
(b) in any other case.	£110

8.2 On a request for a further attempt at execution of a warrant at a new address following a notice of the reason for nonexecution (except a further attempt following suspension and CCBC cases brought by Centre users). £33

8.3 On an application for an order requiring a judgment debtor or other person to attend court to provide information in connection with enforcement of a judgment or order. £55

8.4(a) On an application for a third party debt order or the appointment of a receiver by way of equitable execution. £110

Fee 8.4(a) is payable in respect of each third party against whom the order is sought.

(b) On an application for a charging order. £110

Fee 8.4(b) is payable in respect of each charging order applied for.

8.5 On an application for a judgment summons. £110

8.6 On the issue of a warrant of possession or a warrant of delivery. £121

Where the recovery of a sum of money is sought in addition, no further fee is payable.

8.7 On an application for an attachment of earnings order (other than a consolidated attachment of earnings order) to secure payment of a judgment debt. £110

Fee 8.7 is payable for each defendant against whom an order is sought.

Fee 8.7 is not payable where the attachment of earnings order is made on the hearing of a judgment summons.

8.8 On a consolidated attachment of earnings order or on an administration order. For every £1 or part of a £1 of the money paid into court in respect of debts due to creditors - 10p

Fee 8.8 is calculated on any money paid into court under any order at the rate in force at the time when the order was made (or, where the order has been amended, at the time of the last amendment before the date of payment).

8.9 On an application for the enforcement of an award for a sum of money or other decision made by any court, tribunal, body or person other than the High Court or the County Court. £44

8.10 On a request for an order to recover a sum that is: a specified debt within the meaning of the Enforcement of Road Traffic Debts Order 1993 23; or pursuant to an enactment, treated as a specified debt for the purposes of that Order. £8

No fee is payable on:

an application for an extension of time to serve a statutory declaration or a witness statement in connection with any such order; or
a request to issue a warrant of control to enforce any such order.

8A Service in the County Court

8A.1 On a request for service by a bailiff of an order to attend court for questioning. £110

9 Sale (County Court only)

9.1 For removing or taking steps to remove goods to a place of deposit. The reasonable expenses incurred

Fee 9.1 is to include the reasonable expenses of feeding and caring for any animals.

9.2 For the appraisal of goods. 5p in the £1 or part of a £1 of the appraised value

9.3 For the sale of goods (including advertisements, catalogues, sale and commission and delivery of goods). 15p in the £1 or part of a £1 on the amount realised by the sale or such other sum as the district judge may consider to be justified in the circumstances

9.4 Where no sale takes place by reason of an execution being withdrawn, satisfied or stopped.	(a) 10p in the £1 or part of a £1 on the value of the goods seized, the value to be the appraised value where the goods have been appraised or such other sum as the district judge may consider to be justified in the circumstances; and in addition (b) any sum payable under fee 9.1 and 9.2.
FEES PAYABLE IN HIGH COURT ONLY	
10 Miscellaneous proceedings or matters	
Bills of Sale	
10.1 On filing any document under the Bills of Sale Act 1878 25 and the Bills of Sale Act (1878) Amendment Act 1882 26 or on an application under section 15 of the Bills of Sale Act 1878 for an order that a memorandum of satisfaction be written on a registered copy of the bill.	£28
Searches	
10.2 For an official certificate of the result of a search for each name, in any register or index held by the court; or in the Court Funds Office, for an official certificate of the result of a search of unclaimed balances for a specified period of up to 50 years.	£50
10.3 On a search in person of the court's records, including inspection, for each 15 minutes or part of 15 minutes.	£11
Judge sitting as arbitrator	
10.4 On the appointment of:	
(a) a judge of the Commercial Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996; or	£2,455
(b) a judge of the Technology and Construction Court as an arbitrator or umpire under section 93 of the Arbitration Act 1996.	£2,455
10.5 For every day or part of a day (after the first day) of the hearing before:	
(a) a judge of the Commercial Court; or	£2,455
(b) a judge of the Technology and Construction Court, so appointed as arbitrator or umpire.	£2,455
Where fee 10.4 has been paid on the appointment of a judge of the Commercial Court or a judge of the Technology and Construction Court as an arbitrator or umpire but the arbitration does not proceed to a hearing or an award, the fee will be refunded.	
11 Fees payable in Admiralty matters	
In the Admiralty Registrar and Marshal's Office:	
11.1 On the issue of a warrant for the arrest of a ship or goods.	£225
11.2 On the sale of a ship or goods	
Subject to a minimum fee of £205:	
(a) for every £100 or fraction of £100 of the price up to £100,000;	£1
(b) for every £100 or fraction of £100 of the price exceeding £100,000.	50p
Where there is sufficient proceeds of sale in court, fee 11.2 will be payable by transfer from the proceeds of sale in court.	
11.3 On entering a reference for hearing by the Registrar.	£70
FEES PAYABLE IN HIGH COURT AND COURT OF APPEAL ONLY	
12 Affidavits	
12.1 On taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration except for the purpose of receipt of dividends from the Accountant General and for a declaration by a shorthand writer appointed in insolvency proceedings:	
for each person making any of the above.	£12
12.2 For each exhibit referred to in an affidavit, affirmation, attestation or declaration for which fee 12.1 is payable.	£2
FEES PAYABLE IN COURT OF APPEAL ONLY	
13 Fees payable in appeals to the Court of Appeal	
13.1(a) Where in an appeal notice, permission to appeal or an extension of time for appealing is applied for (or both are applied for):	
on filing an appellant's notice; or	£528
where the respondent is appealing, on filing a respondent's notice.	
13.1(b) Where permission to appeal is not required or has been granted by the lower court:	£1,199
on filing an appellant's notice, or	
on filing a respondent's notice where the respondent is appealing.	
13.1(c) On the appellant filing an appeal questionnaire (unless the appellant has paid fee 13.1(b), or the respondent filing an appeal questionnaire (unless the respondent has paid fee 13.1(b)).	£1,199
13.2 On filing a respondent's notice where the respondent wishes to ask the appeal court to uphold the order of the lower court for reasons different from or additional to those given by the lower court.	£528
13.3 On filing an application notice.	£528
Fee 13.3 is not payable for an application made in an appeal notice.	

B10

Community Legal Service (Financial) Regulations 2000

Part II ELIGIBILITY, ASSESSMENT AND CONTRIBUTIONS

3.—

(1) The following services shall be available without reference to the client's financial resources:

- (a) services consisting exclusively of the provision of general information about the law and legal system and the availability of legal services;
 - (b) legal advice consisting of such amount of Legal Help, and Help at Court as is authorised under a contract to be provided without reference to the client's financial resources;
 - (c) Legal Representation in proceedings under the Children Act 1989, except appeals against final orders, applied for by or on behalf of:
 - (i) a child in respect of whom an application is made for an order under:
 - (a) section 31 (care or supervision order);
 - (b) section 43 (child assessment order);
 - (c) section 44 (emergency protection order); or
 - (d) section 45 (extension or discharge of emergency protection order);
 - (ii) a parent of such a child, or a person with parental responsibility for such a child within the meaning of the Children Act 1989; or
 - (iii) a child who is brought before a court under section 25 4 (use of accommodation for restricting liberty) who is not, but wishes to be, legally represented before the court;
 - (ca) Family Help (Lower) applied for by—
 - (i) a parent of a child, or a person with parental responsibility for a child within the meaning of the Children Act 1989 in respect of whom a Local Authority has given notice of potential proceedings under section 31 of that Act, or
 - (ii) in the case of an unborn child in respect of whom a Local Authority has given notice of potential proceedings under section 31 of the Children Act 1989, any person who, following the birth of the child—
 - (aa) will be the mother or father of the child, and
 - (bb) will have parental responsibility for the child within the meaning of the Children Act 1989.
 - (d) Legal Representation, applied for by or on behalf of any of the parties referred to in subparagraph (c), in proceedings related to any proceedings in sub-paragraph (c) which are being heard together with those proceedings or in which an order is being sought as an alternative to an order in those proceedings;
 - (e) Legal Help in potential proceedings, or Legal Representation in proceedings or potential proceedings, under the Mental Health Act 1983 or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984, where the client's case or application is, or is to be, the subject of proceedings before the First-tier Tribunal or the Mental Health Review Tribunal for Wales;
 - (ea) Legal Representation of a person in respect of whom an authorisation has been made under paragraph 2 of Schedule A1 to the Mental Capacity Act 2005 9, or of a representative of that person appointed as such in accordance with Part 10 of that Schedule, in proceedings in the Court of Protection under section 21A of that Act;
 - (f) Legal Representation by a solicitor in England and Wales of a person whose application under the Hague Convention or the European Convention has been submitted to the Central Authority in England and Wales under section 3(2) or 14(2) of the Child Abduction and Custody Act 1985 ;
 - (g) Legal Representation of a person who:
 - (i) appeals to a magistrates' court against the registration of, or the refusal to register, a maintenance order made in a Hague Convention country under the Maintenance Order (Reciprocal Enforcement) Act 1972; or
 - (ii) applies for the registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982
 - (iii) applies for the registration of a judgment under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**
 - (iv) applies for either the registration of or the registration and enforcement of a judgment under Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and who benefited from complete or partial assistance with, or exemption from, costs or expenses in the country in which the maintenance order was made or the judgment was given
 - (ga) Legal Help, Legal Representation, Family Help (Lower) and Family Help (Higher) for a creditor making an application under Article 56(1) of the Maintenance Regulation concerning a maintenance obligation towards a person under the age of 21 arising from a parent-child relationship;
 - (gb) Legal Representation or Family Help (Higher), in proceedings under the Maintenance Regulation for recognition, registration or enforcement of a maintenance decision, for a party to those proceedings who, in the country in which that decision was made and in relation to that decision, benefited from—
 - (i) complete or partial assistance with, or exemption from, costs or expenses; or
 - (ii) free proceedings before an administrative authority listed in Annex X to the Maintenance Regulation;
 - (h) such services as are funded through grants under section 6(3)(c) of the Act except where the terms of the grant provide otherwise
 - (i) services consisting of—
 - (i) Legal Help or Legal Representation for a person who is the subject of an application for permission under section 6 of the Terrorism Prevention and Investigation Measures Act 2011, in respect of such an application;
 - (ii) Legal Help for advice in connection with a TPIM notice for a person who is subject to that notice;
 - (iii) Legal Help for a person who is subject to a TPIM notice, in respect of an application—
 - (aa) to vary measures specified in that notice under section 12(2) of the Terrorism Prevention and Investigation Measures Act 2011;
 - (bb) for revocation of that notice in accordance with section 13(3) of the Terrorism Prevention and Investigation Measures Act 2011; or
 - (cc) for permission under Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011; or
 - (iv) Legal Representation in respect of TPIM proceedings for a person who is subject to a TPIM notice.
- (2) In this regulation:
- "Central Authority" has the same meaning as in sections 3 and 14 of the Child Abduction and Custody Act 1985;
- "creditor" has the meaning given by Article 2 of the Maintenance Regulation;
- "European Convention" means the convention defined in section 12(1) of the Child Abduction and Custody Act 1985;
- "Hague Convention" means the convention defined in section 1(1) of the Child Abduction and Custody Act 1985;
- "Hague Convention country" has the same meaning as in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 21 ;
- "maintenance decision" has the meaning given to "decision" by Article 2 of the Maintenance Regulation ;
- "the Maintenance Orders (Reciprocal Enforcement) Act 1972" means that Act as applied with such exceptions, adaptations and modifications as are specified in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993
- "Maintenance Regulation" means Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations 25, including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark 26
- "TPIM notice" has the meaning given in section 2(1) of the Terrorism Prevention and Investigation Measures Act 2011; and "TPIM proceedings" are the proceedings listed at (b) to (g) of the definition of "TPIM proceedings" given in section 30(1) of the Terrorism Prevention and Investigation Measures Act 2011.

5D.—

- (1) This regulation applies to an application to the Commission by a client domiciled or habitually resident in another Member State for the funding of services in relation to a cross-border dispute.
- (2) Where this regulation applies, the Commission must—
 - (a) disapply the relevant eligibility limits in regulations 5 and 5A if the client proves that he is unable to pay the cost of proceedings in England and Wales in relation to the dispute as a result of differences in the cost of living between the client's Member State of domicile or habitual residence and England and Wales; and
 - (b) waive part or all of any contributions payable under regulation 38, if and to such extent as the client proves that he is unable to pay them as a result of such differences in the cost of living.
- (3) In this regulation—
 - "cross-border dispute" means a dispute where a client is domiciled or habitually resident in a Member State other than the Member State where the court is sitting or where the decision is to be enforced.**
 - (4) For the purposes of this regulation the Member State in which a client is domiciled shall be determined in accordance with Article 59 of Council Regulation (EC) No.44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.**

B11

Criminal Justice (European Protection Order) (England and Wales) Regulations 2014

Part 1 General

1.— Citation, commencement and extent

- (1) These Regulations may be cited as the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 and come into force on 11th January 2015.
- (2) These Regulations extend to England and Wales.

2.— Interpretation – general

(1) In these Regulations—

“central authority”, in relation to a member State other than the United Kingdom, means an authority designated by the State as a central authority for the purposes of the Directive;

“the central authority for England and Wales” means the Lord Chancellor;

“competent authority”, in relation to a member State other than the United Kingdom, means an authority designated by the State as a competent authority for the purposes of the Directive;

“the Directive” means Directive 2011/99/EU of the European Parliament and of the Council of 13th December 2011 on the European protection order;

“notify” means notify in writing (and “notification” is to be read accordingly).

(2) References in these Regulations to the Crown Court, the High Court, the Court of Appeal or a magistrates’ court include references to a judge of such a court or a justice of the peace and a judge or justice having powers to act in connection with proceedings before such a court.

Part 2 Making a European protection order in England and Wales: requests to other member States to recognise the order

3.— Interpretation – Part 2

(1) In this Part—

“European protection order” has the meaning given by regulation 4(9);

“protected person” means the individual who is the object of the protection given by a protection measure;

“protection measure” means a decision or order of a court in England and Wales when dealing with a criminal cause or matter, in which one or more of the following prohibitions or restrictions are placed on an individual—

(a) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;

(b) a prohibition or restriction of contact with the protected person by any means (including by telephone, post, facsimile transmission or electronic mail);

(c) a prohibition or restriction preventing the individual from approaching the protected person whether at all or to within a particular distance;

“relevant court”, in relation to a protection measure, means—

(a) if the protection measure was made in the Crown Court and the request for the making of a European protection order is made at the same hearing at which the protection measure is made, the Crown Court; or

(b) in any other case, a magistrates’ court;

“specified information” means the information required by Article 7 of the Directive to be included on the form set out in Annex I to the Directive, except for any information relating to Framework Decision 2008/947/JHA of 27th November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions 1.

(2) References in this Part to “the executing State” are to be construed in accordance with regulation 4(5).

4.— Power of a court to make a European protection order

(1) This regulation applies where a magistrates’ court, the Crown Court, the High Court or the Court of Appeal has made a protection measure.

(2) A relevant court may make an order under this regulation where the following conditions are met.

(3) The first condition is that the protected person requests the making of an order under this regulation in accordance with regulation 5.

(4) The second condition is that the protection measure has not expired.

(5) The third condition is that the court is satisfied that the protected person has decided to reside or stay or is already residing or staying in a member State other than the United Kingdom (“the executing State”).

(6) When deciding whether to make an order under this regulation, the relevant court must take into account—

(a) the length of the period or periods that the protected person intends to reside or stay in the executing State;

(b) the seriousness of the need for protection of the protected person while residing or staying in the executing State;

(c) such other matters as it considers appropriate.

(7) An order under this regulation may not have effect for a period longer than the period for which the protection measure has effect.

(8) An order under this regulation may not contain a prohibition or restriction of a kind not mentioned in the definition of “protection measure” in regulation 3(1).

(9) An order under this regulation is referred to in the rest of this Part as a “European protection order”.

5.— Applications for a European protection order

(1) A request for a European protection order may be made to—

(a) a relevant court; or

(b) the competent authority of the executing State.

(2) Where a request for a European protection order is made to the competent authority of the executing State and transferred by that State to the central authority for England and Wales, it must be treated for the purposes of this regulation as if it were a request made to a magistrates’ court under paragraph (1)(a).

(3) A request under paragraph (1) may be made by the protected person or by a guardian or other representative on the protected person’s behalf.

6. Form and content of the European protection order

A European protection order must be in the form set out in Annex 1 to the Directive and contain the specified information.

7. Duty to inform a protected person of the possibility of a European protection order

Where a magistrates’ court, the Crown Court, the High Court or the Court of Appeal has made a protection measure, it must ensure that the protected person (or, where appropriate, the guardian or representative of the protected person) is—

(a) informed in an appropriate way of the possibility to request a European protection order if the person decides to reside or stay in another member State and of the basic conditions for making such a request; and

(b) advised to submit a request for a European protection order before leaving the United Kingdom.

8. Duty to inform a protected person about remedies if a request is refused

If the relevant court refuses to make a European protection order it must inform the protected person (or, where appropriate, the guardian or representative of the protected person) of any applicable legal remedy that may be available against the decision.

9.— Notifying the executing State of the European protection order

(1) The court which makes a European protection order must notify the competent authority of the executing State of the European protection order by giving the documents specified in paragraph (2) to that authority.

(2) The documents are—

(a) a copy of the form containing the European protection order; and

(b) a copy of the form translated into—

(i) the official language, or one of the official languages, of the executing State; or

(ii) an official language of the European Union if the executing State has declared under Article 17 of the Directive that it will accept a translation in that language.

10.— Renewing, modifying or revoking a protection measure and related European protection order

(1) This regulation applies where a magistrates’ court, the Crown Court, the High Court or the Court of Appeal makes a decision renewing, modifying or revoking a protection measure in relation to which a European protection order was made.

(2) The revocation of the protection measure has the effect of revoking the European protection order.

(3) Subject to paragraph (4), if the court modifies one or more of the prohibitions or restrictions placed on an individual under a protection measure, the court must—

(a) amend the European protection order to the like extent; and

(b) complete the form set out in Annex I to the Directive with the specified information.

(4) The modified European protection order may not contain a prohibition or restriction of a kind not mentioned within the definition of “protection measure” in regulation 3(1).

(5) If the court renews a protection measure it—

(a) may amend the European protection order; and

(b) where it does so, must complete the form set out in Annex I to the Directive with the specified information.

(6) The court must, without delay, inform the competent authority of the executing State—

(a) if paragraph (2) applies, that the European protection order is revoked;

(b) if paragraph (3) or (5) applies, of the decision modifying or renewing the protection measure.

(7) Where the court modifies or renews the European protection order, it must send to the competent authority of the executing State—

(a) the modified or renewed order; and

(b) where necessary, a copy of the form translated in accordance with regulation 9(2)(b).

Part 3 Recognition in England and Wales of a European protection order made in a member State other than the United Kingdom

11.— Interpretation – Part 3 and the Schedule

(1) In this Part and in the Schedule—

"European protection order" has the meaning given by Article 2 of the Directive, where the decision taken was one taken by a competent authority of a member State other than the United Kingdom;

"person causing danger" has the meaning given by Article 2 of the Directive;

"protected person" means the individual who is the object of the protection resulting from a protection measure adopted by a competent authority of a member State other than the United Kingdom;

"protection measure", except as mentioned in regulation 12(6)(b) and (7), has the meaning given by Article 2 of the Directive.

(2) References in this Part to "the issuing State" are to be construed in accordance with regulation 12(1).

12.— Requests from other member States to recognise a European protection order

(1) This regulation applies if a competent authority of a member State other than the United Kingdom ("the issuing State")—

(a) makes a European protection order; and

(b) makes a request for the recognition of the European protection order under the Directive.

(2) The competent authority of the issuing State makes a "request for the recognition of the European protection order under the Directive" if it or the central authority of the issuing State gives to the central authority for England and Wales the following documents—

(a) the European protection order or a copy of it, in the form set out in Annex I to the Directive; and

(b) if the form is not in English, a copy of the form translated into English.

(3) The central authority for England and Wales must give those documents to a magistrates' court.

(4) The magistrates' court must decide, without undue delay, whether any of the grounds for refusal to give effect to a European protection order in the Schedule apply.

(5) If the magistrates' court decides that none of the grounds for refusal applies, it must give effect to the order under regulation 13.

(6) Subject to regulation 14, if the magistrates' court decides that one or more of the grounds for refusal in the Schedule applies, it may refuse to recognise the European protection order and, where it does so, it must—

(a) without undue delay, ensure that the competent authority of the issuing State and the protected person are informed that it has decided not to recognise the European protection order and of the grounds for doing so;

(b) where appropriate, ensure that the protected person is informed of the possibility of applying for a protection measure under the law of England and Wales;

(c) ensure that the protected person is informed of any applicable legal remedy that may be available against the decision under the law of England and Wales.

(7) In paragraph (6)(b), "protection measure" is to be construed in accordance with regulation 3(1).

(8) Where a guardian or other representative is acting on the protected person's behalf, references in paragraph (6) to the protected person are to be read instead as references to the guardian or other representative.

13.— Giving effect in England and Wales to a European protection order

(1) This regulation applies where a magistrates' court is required under regulation 12 to give effect to a European protection order.

(2) The magistrates' court must give effect to the order by making a restraining order under section 5 of the Protection from Harassment Act 1997 1, which has effect for the purposes of this regulation as if—

(a) for subsection (2) there were substituted—

"(2) The order may, for the purpose of protecting a protected person under the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 ("the 2014 Regulations"), prohibit or restrict a person causing danger from doing anything described in the order (subject to subsection (2A)).

(2A) The prohibitions or restrictions imposed on a person under subsection (2) must correspond as far as possible to those contained in the European protection order made by the competent authority of the issuing State.;"

(b) subsections (3A) , (4) and (4A) were omitted; and

(c) after subsection (7) there were inserted—

"(8) In this section—

"European protection order", "person causing danger" and "protected person" have the meanings given by regulation 11(1) of the 2014 Regulations;

"issuing State" is to be construed in accordance with regulation 12(1) of those Regulations.;"

14.— Procedural requirements relating to the making of a restraining order

(1) If the magistrates' court considers that the ground for refusal mentioned in paragraph 1(a) of the Schedule applies, it must, before taking a decision refusing to recognise the European protection order under regulation 12—

(a) without delay, notify the competent authority of the issuing State that the information provided is incomplete; and

(b) request that competent authority to provide the missing information, specifying a reasonable period for it to do so.

(2) Where under paragraph (1)(b) the magistrates' court has specified a period within which the missing information must be provided, the decision whether or not to recognise the European protection order must be taken—

(a) where the missing information is received by the court within the specified period, without undue delay after its receipt;

(b) in any other case, without undue delay after the specified period ends.

(3) Where the magistrates' court has made a restraining order under regulation 13, it must ensure that the following are informed of the terms of the restraining order and the possible legal consequences of a breach of the restraining order—

(a) the person causing danger;

(b) the competent authority of the issuing State; and

(c) the protected person (or, where appropriate, the guardian or representative of the protected person).

(4) The court must not provide the person causing danger with the address or contact details of the protected person unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

15.— Request for a European protection order from a protected person where the protection measures relate to a member State other than the United Kingdom

(1) This regulation applies where a protected person makes a request for a European protection order to the central authority for England and Wales.

(2) The central authority for England and Wales must as soon as possible send the request to the competent authority of the member State to which the protection measure relates.

16.— Notification of breach of a European protection order

(1) The central authority for England and Wales must notify the competent authority of the issuing State, using the form set out in Annex II to the Directive, if it becomes aware of a breach of a restraining order made under these regulations.

(2) When sending a notification under paragraph (1), the central authority must send a copy of the form translated into the official language, or one of the official languages, of the issuing State, or an official language of the European Union if the issuing State has declared under Article 17 of the Directive that it will accept a translation into that language.

17.— Modification of the European protection order (and giving effect to a modified order)

(1) This regulation applies where—

(a) the competent authority of the issuing State has modified a European protection order ("the modified EPO"); and

(b) it or the central authority of the issuing State has sent the following documents to the central authority for England and Wales—

(i) the modified EPO or a copy of it, in the form set out in Annex I to the Directive; and

(ii) if the form is not in English, a copy of the form translated into English.

(2) The central authority for England and Wales must give a magistrates' court a copy of the modified EPO.

(3) The magistrates' court must, without undue delay, give effect to the modified EPO unless—

(a) the modified prohibition or restriction is not of a kind mentioned in Article 5 of the Directive; or

(b) the information provided in the modified EPO is incomplete.

(4) Where paragraph (3)(b) applies, the magistrates' court must without delay—

(a) notify the competent authority of the issuing State that the information provided is incomplete; and

(b) request the authority to provide the missing information, specifying a reasonable period for it to do so.

(5) Where, under paragraph (4)(b), the magistrates' court has specified a period within which the missing information must be provided and the missing information is received by the court within the specified period, the court must (unless paragraph (3)(a) applies), without undue delay, give effect to the modified European protection order.

(2) The magistrates' court must give effect to the order by making a restraining order under section 5 of the Protection from Harassment Act 1997, which has effect for the purposes of this regulation as if—

(7) Section 5 of the Protection from Harassment Act 1997 has effect for the purposes of the variation of a restraining order under this regulation as it has effect for the purposes of regulation 13 (and see in particular regulation 13 (2)).

(8) Where a magistrates' court varies a restraining order under this regulation, regulation 14(3) and (4) apply to the court as they apply to a magistrates' court which has made a restraining order under regulation 13.

18.— Revocation of the European protection order

(1) This regulation applies where—

(a) the competent authority of the issuing State has revoked or withdrawn a European protection order; and

(b) the competent authority of the issuing State has notified the central authority for England and Wales of the revocation or withdrawal.

(2) The central authority for England and Wales must, as soon as possible, notify a magistrates' court of the revocation or withdrawal of the European protection order.

(3) When notified under paragraph (2), the magistrates' court must, as soon as possible, discharge the restraining order which was made for the purpose of giving effect to the European protection order.

19.— Discharging a restraining order made under these regulations

(1) A magistrates' court may, in any of the cases mentioned in paragraph (2), discharge a restraining order made under these regulations—

- (a) on an application made by the protected person or by a guardian or other representative on the protected person's behalf;
 - (b) on an application by the person causing danger; or
 - (c) of the court's own motion.
- (2) The cases referred to in paragraph (1) are where—
- (a) the court is satisfied that the protected person is not residing or staying in England or Wales;
 - (b) the competent authority of the issuing State has modified a European protection order and none of the prohibitions or restrictions contained in the modified order is of a kind mentioned in Article 5 of the Directive;
 - (c) the competent authority of the issuing State has modified a European protection order and the information provided in the modified order—
- (i) is incomplete; and
 - (ii) is not completed within the period specified by the magistrates' court under regulation 17(4)(b);
- (d) in relation to the person causing danger, the competent authority of the issuing State makes a request for monitoring of supervision measures under regulation 85 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 1 ("the Protocol No. 36 Regulations") and a magistrates' court decides to recognise the decision on supervision measures under paragraph (5) of that regulation.
- (3) Where, in the exercise of this regulation, a magistrates' court discharges a restraining order, it must immediately ensure that the competent authority of the issuing State and, where possible, the protected person are informed of the decision.
- (4) In this regulation, "request for monitoring of supervision measures" is to be read in accordance with regulation 85(2) of the Protocol No. 36 Regulations.

Schedule 1 Grounds for refusal to give effect to a European protection order

1

The European protection order—

- (a) is incomplete; and
- (b) is not completed within the period specified under regulation 14.

2

The requirements set out in Article 5 of the Directive have not been met.

3

The protection measure on the basis of which the European protection order was issued was based on conduct that would not constitute an offence under the law of England and Wales if it occurred there.

4

The person causing danger benefits from an immunity under the law of England and Wales which makes it impossible to give effect to the European protection order under these regulations.

5

The protection measure on the basis of which the European protection order was issued was based on conduct where, under the law of England and Wales—

- (a) the criminal prosecution of the conduct would be statute-barred; and
- (b) the conduct falls within the jurisdiction of England and Wales.

6

Giving effect to the European protection order would contravene the principle of *ne bis in idem*.

7

The protection measure on the basis of which the European protection order was issued was based on conduct by a person who was under the age of 10 when the conduct took place.

8

The protection measure on the basis of which the European protection order was issued relates to a criminal offence which, under the law of England and Wales, is regarded as having been committed wholly or for a major or essential part, within its territory.

B12

European Communities (Enforcement of Community Judgments) Order 1972

1. Citation and commencement

This Order may be cited as the European Communities (Enforcement of Community Judgments) Order 1972 and shall come into operation on the date on which the United Kingdom becomes a member of the European Communities.

2.— Interpretation

(1) In this Order—

“Community judgment” means any decision, judgment or order which is enforceable under or in accordance with Article 187 or 192 of the E.E.C. Treaty, Article 18, 159 or 164 of the Euratom Treaty or Article 44 or 92 of the E.C. S.C. Treaty or Article 82 of Regulation 40/94 of 20 December 1993 on the community trade mark or Article 71 of Regulation 6/2002 of 12 December 2001 on Community designs or Article 36a or 36b of Regulation (EC) No. 1060/2009 of the Parliament and of the Council of 16 September 2009 on credit rating agencies or Article 65 or 66 of Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories;

“Euratom inspection order” means an order made by or in the exercise of the functions of the President of the European Court or by the Commission of the European Communities under Article 81 of the Euratom Treaty;

“order for enforcement” means an order by or under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom; and

“the High Court” means in England and in Northern Ireland the High Court and in Scotland the Court of Session.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.— Registration of Community judgments and orders

(1) The High Court shall, upon application duly made for the purpose by the person entitled to enforce it, forthwith register any Community judgment to which the Secretary of State has appended an order for enforcement or any Euratom inspection order.

...

(3) Rules of court shall be made requiring notice to be given of the registration of a Community judgment or Euratom inspection order to the persons against whom the judgment was given or the order was made.

(4) Where it appears that a Community judgment under which a sum of money is payable has been partly satisfied at the date of the application for its registration, the judgment shall be registered only in respect of the balance remaining payable at that date.

(5) Where, after the date of registration of a Community judgment under which a sum of money is payable, it is shown that at that date the judgment had been partly or wholly satisfied, the registration shall be varied or cancelled accordingly with effect from that date.

4. Effect of registration of Community judgment

A Community judgment registered in accordance with Article 3 shall, for all purposes of execution, be of the same force and effect, and proceedings may be taken on the judgment, and any sum payable under the judgment shall carry interest, as if the judgment had been a judgment or order given or made by the High Court on the date of registration.

5. Suspension of enforcement of Community judgments

An order of the European Court that enforcement of a registered Community judgment be suspended shall, on production to the High Court, be registered forthwith and shall be of the same effect as if the order had been an order made by the High Court on the date of its registration staying or sisting the execution of the judgment for the same period and on the same conditions as are stated in the order of the European Court, and no steps to enforce the judgment shall thereafter be taken while such an order remains in force.

6. Effect of registration of Euratom inspection order

Upon registration of a Euratom inspection order in accordance with Article 3, the High Court may make such order as it thinks fit against any person for the purpose of ensuring that effect is given to the Euratom inspection order.

B13**European Communities (Matrimonial Jurisdiction and Judgments) Regulations 2001**

...

11

The amendments to the Domicile and Matrimonial Proceedings Act 1973 made by regulations 3 and 4 shall not apply in respect of proceedings commenced before 1st March 2001.

B14

Family Court (Composition and Distribution of Business) Rules 2014

Part 5 Distribution of business of the family court

12A. Interpretation of this Part

In this Part—

“incoming protection measure” means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;

“protection measure” has the meaning given to it in the Protection Measures Regulation;

“Protection Measures Regulation” means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters.

16.— Allocation of emergency applications

(1) In this rule—

“the 1986 Act” means the Family Law Act 1986;

“the 1989 Act” means the Children Act 1989; and

“the 1996 Act” means the Family Law Act 1996.

(2) An application of a type referred to in paragraph (3) shall be allocated to the first available judge of the family court who—

(a) where applicable, is authorised to conduct the type of business to which the application relates; and

(b) would not be precluded by Schedule 2 from dealing with the application.

(3) The types of applications are those—

(a) under—

(i) section 33 of the 1986 Act 1 (disclosure of information as to the whereabouts of a child);

(ii) section 34 of the 1986 Act 2 (order authorising the taking charge and delivery of a child);

(iii) section 44(1) of the 1989 Act (emergency protection order);

(iv) section 44(9)(b) of the 1989 Act (varying a direction in an emergency protection order given under section 44(6) of the 1989 Act);

(v) section 45(4) of the 1989 Act (extending the period during which an emergency protection order is to have effect);

(vi) section 45(8) of the 1989 Act (to discharge an emergency protection order);

(vii) section 45(8A) of the 1989 Act 3 (to vary or discharge an emergency protection order in so far as it imposes an exclusion requirement on a person who is not entitled to apply for the order to be discharged);

(viii) section 45(8B) of the 1989 Act 4 (to vary or discharge an emergency protection order in so far as it confers powers of arrest attached to an exclusion requirement);

(ix) section 48(9) of the 1989 Act (warrant to assist in discovery of children who may be in need of emergency protection);

(x) section 50 of the 1989 Act 5 (recovery of abducted children);

(xi) section 102(1) of the 1989 Act (warrant for a constable to assist in the exercise of certain powers to search for children or inspect premises);

(xii) Part 4 of the 1996 Act 6 which are made without notice, except where the applicant is under 18 or where an application for an occupation order under section 33 of that Act requires a determination of a question of property ownership;

(xiii) section 41 of the Adoption and Children Act 2002 (recovery order);

(xiv) section 79 of the Childcare Act 2006 8 (warrant for a constable to assist in the exercise of powers of entry);

(xv) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (xii); or

(xvi) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure except where the applicant is aged under 18; or

(b) which are not referred to in paragraph (a) but which require the immediate attention of the court.

(4) An application of a type listed in paragraph (5) shall be allocated to the first available judge of the family court, other than lay justices, who, where applicable, is authorised to conduct the type of business to which the application relates.

(5) The types of application are those under—

(a) Part 4 of the 1996 Act which are made without notice and where the applicant is aged under 18 or where an application for an occupation order under section 33 of that Act requires a determination of a question of property ownership;

(b) Part 4A of the 1996 Act 10 which are made without notice [3] 11

(c) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (a) or (b);

(d) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure where the applicant is aged under 18

Schedule 1 Allocation

Type of proceedings	Level of judge
1. Proceedings under— (a) the Maintenance Orders (Facilities for Enforcement) Act 1920; (b) the Marriage Act 1949; (c) the Maintenance Orders Act 1950; (d) the Maintenance Orders Act 1958; (e) the Maintenance Orders (Reciprocal Enforcement) Act 1972; (f) the Domestic Proceedings and Magistrates' Courts Act 1978; (g) the Civil Jurisdiction and Judgments Act 1982; (h) the Family Law Act 1986, section 55A (declarations of parentage) 1; (i) the Child Support Act 1991, except section 32L 2 or appeals; (j) the Crime and Disorder Act 1998, section 11 3 (child safety order); (k) Council Regulation (EC) No 44/2001 (known as the Judgments Regulation) 4; (l) section 34 of the Children and Families (Wales) Measure 2010; (m) Schedule 6 to the Civil Partnership Act 2004 5; (n) the Childcare Act 2006, except section 79; (o) the Human Fertilisation and Embryology Act 2008, section 54 6, where the child's place of birth was in England and Wales and where all respondents agree to the making of the order; (p) Council Regulation (EC) No. 4/2009 (known as the Maintenance Regulation) (q) the Protection Measures Regulation for enforcement of an incoming protection measure.	Lay justices.
3. Proceedings under— (a) the Family Law Act 1986 section 55 13 (declarations as to marital status), 56 14 (declarations as to legitimacy or legitimation) or 57 15 (declarations as to adoptions effected overseas); (b) the Child Support Act 1991 under section 32L (orders preventing avoidance); (c) the Human Fertilisation and Embryology Act 2008, section 54, where the child's place of birth was in England and Wales but where not all respondents agree to the making of the order.	Judge of district judge level Judge of circuit judge level.
4. Proceedings under— (a) the Matrimonial and Family Proceedings Act 1984, sections 13 and 12 10 (permission and substantive application) where— (i) the parties do not consent to permission being granted; or (ii) the parties consent to permission being granted but do not consent to the substantive order sought; (b) the Adoption and Children Act 2002, section 60(3) (order to disclose or to prevent disclosure of information to an adopted person); (c) the Adoption and Children Act 2002, section 79(4) (order for Registrar General to give information); (d) the Civil Partnership Act 2004, paragraphs 4 and 9 of Schedule 7 (permission and substantive application) where— (i) the parties do not consent to permission being granted; or (ii) the parties consent to permission being granted but do not consent to the substantive order sought; (e) referrals to the court under section 8(5) of the Gender Recognition Act 2004; (f) the Human Fertilisation and Embryology Act 2008, section 54, where the child's place of birth was outside of England and Wales (g) Article 13 of the Protection Measures Regulation.	Judge of High Court judge level

Family Court (Composition and Distribution of Business) Rules 2014/840

Schedule 2 Remedies

This version in force from: January 11, 2015 to present

Table 3

Remedies which may not be granted by lay justices, judges of district judge level or judges of circuit judge level in the family court

1. Civil restraint order (extended or general), except that such orders may be granted by a Designated Family Judge or a deputy Designated Family Judge.

2. Search order requiring a party to admit another party to premises for the purposes of preserving evidence etc (section 7 Civil Procedure Act 1997 5).

3. Claims in respect of a judicial act under the Human Rights Act 1998.

4. Action in respect of the interference with the due administration of justice.

5. Warrants of sequestration to enforce a judgment, order or undertaking in the family court.

6. Order under Article 13 of the Protection Measures Regulation refusing to recognise or enforce an incoming protection measure.

B15

Family Procedure Rules 2010

Application of these Rules

2.1

- (1) Unless the context otherwise requires, these rules apply to family proceedings in –
- (a) the High Court; and
 - (b) the family court.

2.3 Interpretation

- (1) In these rules—

“the 1958 Act” means the Maintenance Orders Act 1958;

“the 1973 Act” means the Matrimonial Causes Act 1973;

“the 1978 Act” means the Domestic Proceedings and Magistrates’ Courts Act 1978;

“the 1980 Hague Convention” means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25 October 1980; “the 1984 Act” means the Matrimonial and Family Proceedings Act 1984;

“the 1986 Act” means the Family Law Act 1986;

“the 1989 Act” means the Children Act 1989;

“the 1990 Act” means the Human Fertilisation and Embryology Act 1990;

“the 1991 Act” means the Child Support Act 1991;

“the 1996 Act” means the Family Law Act 1996;

“the 1996 Hague Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children;

“the 2002 Act” means the Adoption and Children Act 2002;

“the 2004 Act” means the Civil Partnership Act 2004;

“the 2005 Act” means the Mental Capacity Act 2005;

“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 23 November 2007;

“the 2008 Act” means the Human Fertilisation and Embryology Act 2008;

“the 2014 Act” means the Children and Families Act 2014;

“adoption proceedings” means proceedings for an adoption order under the 2002 Act;

...

...

“application form” means a document in which the applicant states his intention to seek a court order other than in accordance with the Part 18 procedure;

“application notice” means a document in which the applicant states his intention to seek a court order in accordance with the Part 18 procedure;

“Article 11 form” means a form published by the Permanent Bureau of the Hague Conference under Article 11(4) of the 2007 Hague Convention for use in relation to an application under Article 10 of that Convention, and includes a Financial Circumstances Form as defined in rule 9.3(1) which accompanies such an application;

“Assembly” means the National Assembly for Wales;

“bank holiday” means a bank holiday under the Banking and Financial Dealings Act 1971—

.....

“child” means a person under the age of 18 years who is the subject of the proceedings; except that—

- (a) in adoption proceedings, it also includes a person who has attained the age of 18 years before the proceedings are concluded; and

- (b) in proceedings brought under the Council Regulation, the 1980 Hague Convention or the European Convention, it means a person under the age of 16 years who is the subject of the proceedings;

“child arrangements order” has the meaning given to it by section 8(1) of the 1989 Act;

...

...

“the Council Regulation” means Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility;

“court” means, subject to any rule or other enactment which provides otherwise, the High Court, or the family court;

(rule 2.5 relates to the power to perform functions of the court.)

“court officer” means a member of court staff;

“CPR” means the Civil Procedure Rules 1998;

“deputy” has the meaning given in section 16(2)(b) of the 2005 Act;

“detailed assessment proceedings” means the procedure by which the amount of costs is decided in accordance with Part 47 of the CPR;

“directions appointment” means a hearing for directions;

“the European Convention” means the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children which was signed in Luxembourg on 20 May 1980;

“filing”, in relation to a document, means delivering it, by post or otherwise, to the court office;

....

“hearsay” means a statement made, otherwise than by a person while giving oral evidence in proceedings, which is tendered as evidence of the matters stated, and references to hearsay include hearsay of whatever degree;

“incoming protection measure” means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;

“inherent jurisdiction” means the High Court’s power to make any order or determine any issue in respect of a child, including in wardship proceedings, where it would be just and equitable to do so unless restricted by legislation or case law;

(Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)) provides examples of inherent jurisdiction proceedings.)

...

“jurisdiction” means, unless the context requires otherwise, England and Wales and any part of the territorial waters of the United Kingdom adjoining England and Wales;

.....

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations, including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

.....

“protected party” means a party, or an intended party, who lacks capacity (within the meaning of the 2005 Act) to conduct proceedings;

“protection measure” has the meaning given to it in the Protection Measures Regulation;

“Protection Measures Regulation” means the Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters;

.....

“section 89 order” means an order made by the High Court under section 89 of the 2002 Act—

- (a) annulling a Convention adoption or Convention adoption order;

- (b) providing for an overseas adoption or determination under section 91 of the 2002 Act to cease to be valid; or

- (c) deciding the extent, if any, to which a determination under section 91 of the 2002 Act has been affected by a subsequent determination under that section;

“Service” has the meaning given by section 11 of the Criminal Justice and Court Services Act 2000;

“the Service Regulation” means Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters;

...

Power to perform functions conferred on the court by these rules and practice directions

2.5

- (1) Where these rules or a practice direction provide for the court to perform any function then, except where any rule or practice direction or any other enactment, provides otherwise, that function may be performed –

- (a) in relation to proceedings in the High Court or in a district registry, by any judge or district judge of that Court including a district judge of the principal registry;

- (b) in relation to proceedings in the family court –

- (i) by the court composed in accordance with rules made under section 31D of the 1984 Act; or

- (ii) where Practice Direction 2A applies, by a single lay justice who is authorised as specified in rules made under section 31D of the 1984 Act.

(Rules made under section 31O of the 1984 Act make provision for a justices’ clerk to carry out certain functions of the family court or of a judge of the family court and for an assistant to a justices’ clerk to carry out functions of a justices’ clerk given under those rules, or by section 31O(2) of the 1984 Act.)

- (2) A deputy High Court judge and a district judge, including a district judge of the principal registry, may not try a claim for a declaration of incompatibility in accordance with section 4 of the Human Rights Act 1998.

3A.1 Interpretation

In this Part—

“child” means a person under the age of 18 years whether or not the child is the subject of the proceedings, except that—

- (a) in adoption proceedings, it also includes a person who is the subject of proceedings and has attained the age of 18 years before the proceedings are concluded; and

- (b) in proceedings brought under Article 11 of the Council Regulation, the 1980 Hague Convention or the European Convention, it means a person under the age of 16 years who is the subject of proceedings;

“intermediary” means a person whose function is to—

- (a) communicate questions put to a witness or party;

- (b) communicate to any person asking such questions the answers given by the witness or party in reply to them; and

- (c) explain such questions or answers so far as is necessary to enable them to be understood by the witness or party or by the person asking such questions;

.....

Part 5 Forms and Start of Proceedings

5.1 Forms

- (1) Subject to rule 14.10(2) and(3), the forms referred to in a practice direction, shall be used in the cases to which they apply.

- (2) A form may be varied by the court or a party if the variation is required by the circumstances of a particular case.

- (3) A form must not be varied so as to leave out any information or guidance which the form gives to the recipient.

- (4) Where these rules require a form to be sent by the court or by a party for another party to use, it must be sent without any variation except such as is required by the circumstances of the particular case.

- (5) Paragraph (2) does not apply to the forms annexed to the Maintenance Regulation, or to an Article 11 form.

- (6) Nothing in this rule requires a party to reveal any particulars referred to in rule 29.1(1) if notice of those particulars is given to the court in accordance with rule 29.1(2).

5.3 Proceedings are started by issue of application form

- (1) Proceedings are started when a court officer issues an application at the request of the applicant.
 - (2) An application is issued on the date entered in the application form by the court officer.
 - (3) Where the application is made under Article 56 of the Maintenance Regulation, or under Article 10 of the 2007 Hague Convention, the applicant is deemed to have requested the issue of the application by virtue of making the application for establishment or modification of a maintenance decision forwarded on his or her behalf by the Lord Chancellor.
- The Lord Chancellor is the Central Authority for England and Wales in relation to the 2007 Hague Convention and the Maintenance Regulation
- (Rule 29.7 requires an application form to be authenticated with the stamp of the court when it is issued)

6.11 Service of the application on a solicitor within the jurisdiction or in any EEA state

- (1) Where a solicitor acting for the respondent has notified the applicant in writing that the solicitor is instructed by the respondent to accept service of the application on behalf of the respondent at a business address within the jurisdiction, the application must be served at the business address of that solicitor.
- (2) Subject to the provisions of Chapter 4 of this Part, where a solicitor acting for the respondent has notified the applicant in writing that the solicitor is instructed by the respondent to accept service of the application on behalf of the respondent at a business address within any EEA state, the application must be served at the business address of that solicitor.

(“Solicitor” has the extended meaning set out in rule 6.2 and “EEA state” is defined in Schedule 1 to the Interpretation Act 1978.)

6.26 Address for service

- (1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings.
- (2) Subject to paragraph (4), a party's address for service must be—
 - (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or
 - (b) where there is no solicitor acting for the party to be served, an address within the United Kingdom at which the party resides or carries on business.(“EEA state” is defined in Schedule 1 to the Interpretation Act 1978.)
- (3) Where there is no solicitor acting for the party to be served and the party does not have an address within the United Kingdom at which that party resides or carries on business, the party must, subject to paragraph (4), give an address for service within the United Kingdom.
- (4) A party who—
 - (a) has been served with an application for a matrimonial or civil partnership order outside the United Kingdom; and
 - (b) apart from acknowledging service of the application, does not take part in the proceedings,need not give an address for service within the United Kingdom.
- (5) Any document to be served in proceedings must be sent, or transmitted to, or left at, the party's address for service unless it is to be served personally or the court orders otherwise.
- (6) Where, in accordance with Practice Direction 6A, a party indicates or is deemed to have indicated that they will accept service by fax, the fax number given by that party must be at the address for service.
- (7) Where a party indicates in accordance with Practice Direction 6A, that they will accept service by e-mail, the e-mail address . . . given by that party will be deemed to be . . . the address for service.
- (8) This rule does not apply where an order made by the court under rule 6.35 (service by an alternative method or at an alternative place) specifies where a document may be served.

6.40 Scope and interpretation

- (1) This Chapter contains rules about—
 - (a) service of application forms and other documents out of the jurisdiction; and
 - (b) the procedure for service.

(“Jurisdiction” is defined in rule 2.3.)

- (2) In this Chapter—

“application form” includes an application notice;

“Commonwealth State” means a State listed in Schedule 3 to the British Nationality Act 1981; and

“the Hague Convention” means the Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters signed at the Hague on November 15, 1965.

6.42 Period for acknowledging service or responding to application where application is served out of the jurisdiction

- (1) This rule applies where, under these rules, a party is required to file—

- (a) an acknowledgment of service; or
- (b) an answer to an application,

and sets out the time period for doing so where the application is served out of the jurisdiction.

- (2) Where the applicant serves an application on a respondent in—

- (a) Scotland or Northern Ireland; or
- (b) a Member State or Hague Convention country within Europe,

the period for filing an acknowledgment of service or an answer to an application is 21 days after service of the application.

- (3) Where the applicant serves an application on a respondent in a Hague Convention country outside Europe, the period for filing an acknowledgment of service or an answer to an application is 31 days after service of the application.

- (4) Where the applicant serves an application on a respondent in a country not referred to in paragraphs (2) and (3), the period for filing an acknowledgment of service or an answer to an application is set out in Practice Direction 6B.

6.43 Method of service—general provisions

- (1) This rule contains general provisions about the method of service of an application for a matrimonial or civil partnership order, or other document, on a party out of the jurisdiction.

Where service is to be effected on a party in Scotland or Northern Ireland

- (2) Where a party serves an application form or other document on a party in Scotland or Northern Ireland, it must be served by a method permitted by Chapter 2 (and references to “jurisdiction” in that Chapter are modified accordingly) or Chapter 3 of this Part and rule 6.26(5) applies.

Where service is to be effected on a respondent out of the United Kingdom

- (3) Where the applicant wishes to serve an application form, or other document, on a respondent out of the United Kingdom, it may be served by any method—

- (a) provided for by—
 - (i) rule 6.44 (service in accordance with the Service Regulation);
 - (ii) rule 6.45 (service through foreign governments, judicial authorities and British Consular authorities); or
- (b) permitted by the law of the country in which it is to be served.

- (4) Nothing in paragraph (3) or in any court order authorises or requires any person to do anything which is contrary to the law of the country where the application form, or other document, is to be served.

6.44 Service in accordance with the Service Regulation

- (1) This rule applies where the applicant wishes to serve the application form, or other document, in accordance with the Service Regulation.

- (2) The applicant must file—

- (a) the application form or other document;
- (b) any translation; and
- (c) any other documents required by the Service Regulation.

- (3) When the applicant files the documents referred to in paragraph (2), the court officer will—

- (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form; and
- (b) forward the documents to the Senior Master of the Queen's Bench Division.

- (4) In addition to the documents referred to in paragraph (2), the applicant may file a photograph of the person to be served if the applicant considers that it would assist in ensuring effective service.

(The Service Regulation is annexed to Practice Direction 6B.)

(Article 20(1) of the Service Regulation provides that the Regulation prevails over other provisions contained in any other agreement or arrangement concluded by Member States.)

6.45 Service through foreign governments, judicial authorities and British Consular authorities

- (1) Where the applicant wishes to serve an application form, or other document, on a respondent in any country which is a party to the Hague Convention, it may be served—

- (a) through the authority designated under the Hague Convention in respect of that country; or
- (b) if the law of that country permits—
 - (i) through the judicial authorities of that country; or
 - (ii) through a British Consular authority in that country.

- (2) Where the applicant wishes to serve an application form, or other document, on a respondent in any country which is not a party to the Hague Convention, it may be served, if the law of that country so permits—

- (a) through the government of that country, where that government is willing to serve it; or
- (b) through a British Consular authority in that country.

- (3) Where the applicant wishes to serve an application form, or other document, in—

- (a) any Commonwealth State which is not a party to the Hague Convention;
- (b) the Isle of Man or the Channel Islands; or
- (c) any British Overseas Territory,

the methods of service permitted by paragraphs (1)(b) and (2) are not available and the applicant or the applicant's agent must effect service on a respondent in accordance with rule 6.43 unless Practice Direction 6B provides otherwise.

- (4) This rule does not apply where service is to be effected in accordance with the Service Regulation.

(A list of British overseas territories is reproduced in Practice Direction 6B.)

6.46 Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities

- (1) This rule applies where the applicant wishes to serve an application form, or other document, under rule 6.45(1) or (2).
- (2) Where this rule applies, the applicant must file—
- (a) a request for service of the application form, or other document, by specifying one or more of the methods in rule 6.45(1) or (2);
 - (b) a copy of the application form or other document;
 - (c) any other documents or copies of documents required by Practice Direction 6B; and
 - (d) any translation required under rule 6.47.
- (3) When the applicant files the documents specified in paragraph (2), the court officer will—
- (a) seal, or otherwise authenticate with the stamp of the court, the copy of the application form or other document; and
 - (b) forward the documents to the Senior Master of the Queen's Bench Division.
- (4) The Senior Master will send documents forwarded under this rule—
- (a) where the application form, or other document, is being served through the authority designated under the Hague Convention, to that authority; or
 - (b) in any other case, to the Foreign and Commonwealth Office with a request that it arranges for the application form or other document to be served.
- (5) An official certificate which—
- (a) states that the method requested under paragraph (2)(a) has been performed and the date of such performance;
 - (b) states, where more than one method is requested under paragraph (2)(a), which method was used; and
 - (c) is made by—
- (i) a British Consular authority in the country where the method requested under paragraph (2)(a) was performed;
 - (ii) the government or judicial authorities in that country; or
 - (iii) the authority designated in respect of that country under the Hague Convention,
- is evidence of the facts stated in the certificate.
- (6) A document purporting to be an official certificate under paragraph (5) is to be treated as such a certificate, unless it is proved not to be.

6.47 Translation of application form or other document

- (1) Except where paragraphs (4) and (5) apply, every copy of the application form, or other document, filed under rule 6.45 (service through foreign governments, judicial authorities and British Consular authorities) must be accompanied by a translation of the application form or other document.
- (2) The translation must be—
- (a) in the official language of the country in which it is to be served; or
 - (b) if there is more than one official language of that country, in any official language which is appropriate to the place in the country where the application form or other document is to be served.
- (3) Every translation filed under this rule must be accompanied by a statement by the person making it that it is a correct translation, and the statement must include that person's name, address and qualifications for making the translation.
- (4) The applicant is not required to file a translation of the application form, or other document, filed under rule 6.45 where it is to be served in a country of which English is an official language.
- (5) The applicant is not required to file a translation of the application form or other document filed under rule 6.45 where—
- (a) the person on whom the document is to be served is able to read and understand English; and
 - (b) service of the document is to be effected directly on that person.

(This rule does not apply to service in accordance with the Service Regulation which contains its own provisions about the translation of documents.)

6.48 Undertaking to be responsible for expenses of the Foreign and Commonwealth Office

Every request for service filed under rule 6.46 (procedure where service is to be through foreign governments, judicial authorities etc) must contain an undertaking by the person making the request—

- (a) to be responsible for all expenses incurred by the Foreign and Commonwealth Office or foreign judicial authority; and
- (b) to pay those expenses to the Foreign and Commonwealth Office or foreign judicial authority on being informed of the amount.

...

7.27 Stay of proceedings

- (1) Where—
- (a) the court is considering an application in accordance with rule 7.20 or gives directions under rule 7.22;
 - (b) it appears to the court that there are proceedings continuing in any country outside England and Wales which are in respect of the marriage or civil partnership in question or which are capable of affecting its validity or subsistence; and
 - (c) the court considers that the question whether the proceedings should be stayed (GL) under paragraph 9 of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 or, for civil partnership proceedings, under rules made under sections 75 and 76 of the Courts Act 2003 ought to be determined by the court,
- the court must give directions for the hearing of that question.
- (2) Where at any time after the making of an application under this Part it appears to the court in matrimonial proceedings that, under Articles 16 to 19 of the Council Regulation, the court does not have jurisdiction to hear the application and is or may be required to stay the proceedings, the court will—
- (a) stay the proceedings; and
 - (b) fix a date for a hearing to determine the questions of jurisdiction and whether there should be a further stay (GL) or other order.
- (3) The court must give reasons for its decision under Articles 16 to 19 of the Council Regulation and, where it makes a finding of fact, state such finding of fact.
- (4) An order under Article 17 of the Council Regulation that the court has no jurisdiction over the proceedings will be recorded by the court or the court officer in writing.
- (5) The court may, if all parties agree, deal with any question about the jurisdiction of the court without a hearing.

...

9.3 Interpretation

- (1) In this Part—

.....

"FDR appointment" means a Financial Dispute Resolution appointment in accordance with rule 9.17;

"Financial Circumstances Form" means the Financial Circumstances Form published by the Permanent Bureau of the Hague Conference under Article 11(4) of the 2007 Hague Convention for use in relation to applications under Article 10 of that Convention;

-3

(a) Where an application is made under Article 56 of, and using the form in Annex VII to, the Maintenance Regulation, references in this Part to "financial statement" apply to the applicant as if for the words "financial statement" were substituted "the form in Annex VII to the Maintenance Regulation";

(aa) where an application for establishment or modification of maintenance is made under Article 10 of the 2007 Hague Convention, references in this Part to "financial statement" apply to the applicant as if for "financial statement" there were substituted "Financial Circumstances Form";

(b) Sub-paragraphs (a) and (aa) do not apply where the relief sought includes relief which is of a type to which the Maintenance Regulation or the 2007 Hague Convention, as the case may be, does not apply.

...

IV PROCEDURE AFTER FILING AN APPLICATION

9.12 Duties of the court and the applicant upon issuing an application

- (1) When an application under this Part is issued, except where Chapter 5 of this Part applies—
- (a) the court will fix a first appointment not less than 12 weeks and not more than 16 weeks after the date of the filing of the application; and
 - (b) subject to paragraph (2), within 4 days beginning with the date on which the application was filed, a court officer will—
- (i) serve a copy of the application on the respondent; and
 - (ii) give notice of the date of the first appointment to the applicant and the respondent.
- (2) Where the applicant wishes to serve a copy of the application on the respondent and on filing the application so notifies the court—
- (a) paragraph (1)(b) does not apply;
 - (b) a court officer will return to the applicant the copy of the application and the notice of the date of the first appointment; and
 - (c) the applicant must,—
- (i) within 4 days beginning with the date on which the copy of the application is received from the court, serve the copy of the application and notice of the date of the first appointment on the respondent; and
 - (ii) file a certificate of service at or before the first appointment.
- (Rule 6.37 sets out what must be included in a certificate of service.)
- (3) The date fixed under paragraph (1), or for any subsequent appointment, must not be cancelled except with the court's permission and, if cancelled, the court must immediately fix a new date.
- (4) In relation to an application to which the Maintenance Regulation or the 2007 Hague Convention applies, where the applicant does not already know the address of the respondent at the time the application is issued, paragraph (2) does not apply and the court will serve the application in accordance with paragraph (1).

9.14 Procedure before the first appointment

- (1) Not less than 35 days before the first appointment both parties must simultaneously exchange with each other and file with the court a financial statement in the form referred to in Practice Direction 5A.
- (2) The financial statement must—
- (a) be verified by a statement of truth; and
 - (b) accompanied by the following documents only—
- (i) any documents required by the financial statement;
 - (ii) any other documents necessary to explain or clarify any of the information contained in the financial statement; and
 - (iii) any documents provided to the party producing the financial statement by a person responsible for a pension arrangement, either following a request under rule 9.30 or as part of a relevant valuation; and
- (iv) any notification or other document referred to in rule 9.37(2), (4) or (5) which has been received by the party producing the financial statement.

(22A) Paragraph (2A) applies where the court has determined that the procedure in this Chapter should apply to an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention.

(2A) The requirement of paragraph (2)(a) relating to verification by a statement of truth does not apply to the financial statement of either party where the application has been made under—

(a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or

(b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form,

and the relief sought is limited to a type to which that Regulation or that Convention, as appropriate, applies, but the court may at any time direct that the financial statement of either party shall be verified by a statement of truth.

(3) Where a party was unavoidably prevented from sending any document required by the financial statement, that party must at the earliest opportunity—

(a) serve a copy of that document on the other party; and

(b) file a copy of that document with the court, together with a written explanation of the failure to send it with the financial statement.

(4) No disclosure or inspection of documents may be requested or given between the filing of the application for a financial remedy and the first appointment, except—

(a) copies sent with the financial statement, or in accordance with paragraph (3); or

(b) in accordance with paragraphs (5) and (6).

(Rule 21.1 explains what is meant by disclosure and inspection.)

.....

V PROCEDURE AFTER FILING PARTICULAR APPLICATIONS

9.18 Duties of the court and the applicant upon filing an application

(A1) This Chapter applies where an application is made—

- (a) under—
- (i) the 1978 Act;
- (ii) Schedule 6 to the 2004 Act;
- (iii) Schedule 1 to the 1989 Act; . . .
- (iv) Article 56 of the Maintenance Regulation; or
- (v) Article 10 of the 2007 Hague Convention;
- (b) for the variation of an order for a financial remedy.

(1) Where an application is issued—

- (a) the court will fix a first hearing date not less than 4 weeks and not more than 8 weeks after the date of the filing of the application; and
- (b) subject to paragraph (2), within 4 days beginning with the date on which the application was filed, a court officer will—
- (i) serve a copy of the application on the respondent;
- (ii) give notice of the date of the first hearing to the applicant and the respondent; and
- (iii) send a blank financial statement to both the applicant and the respondent.
- (2) Where the applicant wishes to serve a copy of the application on the respondent and, on filing the application, so notifies the court—
- (a) paragraph (1)(b) does not apply;
- (b) a court officer will return to the applicant the copy of the application and the notice of the date of the first hearing; and
- (c) the applicant must—
- (i) within 4 days beginning with the date on which the copy of the application is received from the court, serve the copy of the application and notice of the date of the first hearing on the respondent;
- (ii) send a blank financial statement to the respondent; and
- (iii) file a certificate of service at or before the first hearing.
- (3) The date fixed under paragraph (1), or for any other subsequent hearing or appointment must not be cancelled except with the court's permission and, if cancelled, the court must immediately fix a new date.
- (4) The requirement in paragraph (1)(b)(iii) for the court officer to send a blank financial statement to the applicant does not apply where the application has been made under—

- (a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or
- (b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form.

(5) In relation to an application to which the Maintenance Regulation or the 2007 Hague Convention applies, where the applicant does not already know the address of the respondent at the time the application is issued, paragraph (2) does not apply and the court will serve the application in accordance with paragraph (1).

Request for change of procedure

9.18A

(1) This rule applies if the applicant wishes to seek a direction from the court that the procedure in Chapter 4 of this Part should apply to an application for an order in proceedings referred to in rule 9.18(A1).

(2) The application for the order must state –

- (a) that the applicant seeks a direction that the procedure in Chapter 4 of this Part should apply; and
- (b) the applicant's reasons for seeking such a direction.

(3) The court will –

- (a) determine without notice to the parties and before the first hearing whether the procedure in Chapter 4 or Chapter 5 of this Part should apply to the application; and
- (b) notify the parties of its determination and any directions made in consequence of that determination.

9.19 Procedure before the first hearing

- (1) Not more than 14 days after the date of the issue of the application both parties must simultaneously exchange with each other and file with the court a financial statement referred to in Practice Direction 5A.
- (2) The financial statement must—
- (a) be verified by a statement of truth; and
- (b) contain the following documents only—
- (i) any documents required by the financial statement; and
- (ii) any other documents necessary to explain or clarify any of the information contained in the financial statement.

(2A) The requirement of paragraph (2)(a) relating to verification by statement of truth does not apply to the financial statement of either party where the application has been made under—

- (a) Article 56 of the Maintenance Regulation, using the form in Annex VII to that Regulation; or
- (b) Article 10 of the 2007 Hague Convention, using the Financial Circumstances Form,
- but the court may at any time direct that the financial statement of either party shall be verified by a statement of truth.

(3) Where a party was unavoidably prevented from sending any document required by the financial statement, that party must at the earliest opportunity—

- (a) serve a copy of that document on the other party; and
- (b) file a copy of that document with the court, together with a statement explaining the failure to send it with the financial statement.

(4) No disclosure or inspection of documents may be requested or given between the filing of the application for a financial remedy and the first hearing except copies sent with the financial statement or in accordance with paragraph (3).

(Rule 21.1 explains what is meant by disclosure and inspection.)

9.22 Application . . . for a maintenance order, or revocation of a maintenance order to which the 1982 Act, the Lugano Convention, the 1988 Convention or the Maintenance Regulation applies

(1) This rule applies where a person makes an application . . . for a maintenance order, or for the variation or the revocation of a maintenance order, in relation to which the court has jurisdiction by virtue of the 1982 Act, the Lugano Convention, the 1988 Convention or the Maintenance Regulation, and the respondent is outside the United Kingdom.

(2) Where the respondent does not enter an appearance and is not represented at the hearing—

- (a) the court will apply the provisions of Article 20 of the 1968 Convention, Article 20 of the 1988 Convention, Article 26 of the Lugano Convention, or Article 11 of the Maintenance Regulation as appropriate;
- (b) where the court proceeds to hear the application having applied the appropriate provision referred to in sub-paragraph (a), the court will take into account any written representations made and any evidence given by the respondent under these rules.

(3) ...

(4) In this rule—

- (a) "the 1982 Act", "the Lugano Convention" and "the 1988 Convention" have the meanings given to them in rule 34.1(2);
- (b) "the 1968 Convention" has the meaning given to it in the Civil Jurisdiction and Judgments Act 1982.

...

Where proceedings may be heard

9.25

(1) Paragraph (2) applies to an application –

- (a) for a financial order;
- (b) under Part 3 of the 1984 Act; or
- (c) under Schedule 7 to the 2004 Act.

(2) An application mentioned in paragraph (1) must be heard –

- (a) Omitted
- (b) where the case is proceeding in the High Court –
- (i) at the Royal Courts of Justice; or
- (ii) in matrimonial or civil partnership proceedings, any court at which sittings of the High Court are authorised.

...

9.26A Questions as to the court's jurisdiction or whether the proceedings should be stayed

(1) This rule applies to applications for maintenance where a question as to jurisdiction arises under—

- (a) the 1968 Convention;
- (b) the 1988 Convention;
- (c) the Lugano Convention; . . .
- (d) the Maintenance Regulation; or
- (e) Article 18 of the 2007 Hague Convention.

(2) If at any time after the issue of the application it appears to the court that it does not or may not have jurisdiction to hear an application, or that under the instruments referred to in paragraph (1) it is or may be required to stay the proceedings or to decline jurisdiction, the court must—

- (a) stay the proceedings, and
- (b) fix a date for a hearing to determine jurisdiction or whether there should be a stay or other order.
- (3) The court officer will serve notice of the hearing referred to at paragraph (2)(b) on the parties to the proceedings.

- (4) The court must, in writing—
- (a) give reasons for its decision under paragraph (2), and
- (b) where it makes a finding of fact, state such finding.
- (5) The court may with the consent of all the parties deal with any question as to the jurisdiction of the court, or as to whether the proceedings should be stayed, without a hearing.
- (6) In this rule—
- (a) “the 1968 Convention” has the meaning given to it in the Civil Jurisdiction and Judgments Act 1982;
- (b) “the 1988 Convention” and “the Lugano Convention” have the meanings given to them in rule 34.1(2).

9.26AA International Maintenance Obligations: Communication with the Central Authority for England and Wales

- (1) Where the Lord Chancellor requests information or a document from the court officer for the relevant court for the purposes of Article 58 of the Maintenance Regulation or Articles 12 or 25(2) of the 2007 Hague Convention, the court officer shall provide the requested information or document to the Lord Chancellor forthwith.
- (2) In this rule, “relevant court” means the court at which an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention has been filed.
- The Lord Chancellor is the Central Authority for England and Wales in relation to the 2007 Hague Convention and the Maintenance Regulation

...

10.11 Proceedings following arrest . . .

- (1) This rule applies where a person is arrested pursuant to—
- (a) a power of arrest attached to a provision of an occupation order; . . .
- (b) a warrant of arrest issued on an application under section 47(8) of the 1996 Act; or
- (c) a warrant of arrest issued on an application for enforcement of an incoming protection measure.
- (The Civil Jurisdiction and Judgments (Protection Measures) Regulations 2014 make provision in relation to the powers of the family court and the High Court to enforce incoming protection measures under the Protection Measures Regulation.)
- (2) The court before which a person is brought following arrest may—
- (a) determine whether the facts, and the circumstances which led to the arrest, amounted to disobedience of the order; or
- (b) adjourn the proceedings.
- (3) Where the proceedings are adjourned and the arrested person is released—
- (a) unless the court directs otherwise, the matter must be dealt with within 14 days beginning with the date of arrest; and
- (b) the arrested person must be given not less than 2 days’ notice of the hearing.
- (4) An application notice seeking the committal for contempt of court of the arrested person may be issued if the arrested person is not dealt with within the period mentioned in paragraph (3)(a).
- (The powers of the court to remand in custody or on bail are contained in section 47 of and Schedule 5 to the Family Law Act 1996.)

...

12.1 Application of this Part

- (1) The rules in this Part apply to—
- (a) emergency proceedings;
- (b) private law proceedings;
- (c) public law proceedings;
- (d) proceedings relating to the exercise of the court’s inherent jurisdiction (other than applications for the court’s permission to start such proceedings);
- (e) proceedings relating to child abduction and the recognition and enforcement of decisions relating to custody under the European Convention;
- (f) proceedings relating to the Council Regulation or the 1996 Hague Convention in respect of children; and
- (g) any other proceedings which may be referred to in a practice direction.
- (Part 18 sets out the procedure for making an application for permission to bring proceedings.)
- (Part 31 sets out the procedure for making applications for recognition and enforcement of judgments under the Council Regulation or the 1996 Hague Convention.)
- (2) The rules in Chapter 7 of this Part also apply to family proceedings which are not within paragraph (1) but which otherwise relate wholly or mainly to the maintenance or upbringing of a minor.

12.2 Interpretation

In this Part—

“the 2006 Act” means the Childcare Act 2006;

“activity condition” has the meaning given to it by section 11C(2) of the 1989 Act;

“activity direction” has the meaning given to it by section 11A(3) of the 1989 Act;

.....

“warning notice” means a notice attached to an order pursuant to section 8(2) of the Children and Adoption Act 2006.

(The 1980 Hague Convention, the 1996 Hague Convention, the Council Regulation, and the European Convention are defined in rule 2.3.)

12.3 Who the parties are

- (1) In relation to the proceedings set out in column 1 of the following table, column 2 sets out who may make the application and column 3 sets out who the respondents to those proceedings will be.

.....

Proceedings for --- Applicants --- Respondents

An order in respect of a child under the 1980 Hague Convention. --- Any person, institution or body who claims that a child has been removed or retained in breach of rights of custody or claims that there has been a breach of rights of access in relation to the child. --- The person alleged to have brought the child into the United Kingdom; the person with whom the child is alleged to be; any parent or guardian of the child who is within the United Kingdom and is not otherwise a party; any person in whose favour a decision relating to custody has been made if that person is not otherwise a party; and any other person who appears to the court to have sufficient interest in the welfare of the child.

An order concerning the recognition and enforcement of decisions relating to custody under the European Convention. --- Any person who has a court order giving that person rights of custody in relation to the child. --- As above.

An application for the High Court to request transfer of jurisdiction under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention (rule 12.65). --- Any person with sufficient interest in the welfare of the child and who would be entitled to make a proposed application in relation to that child, or who intends to seek the permission of the court to make such application if the transfer is agreed. --- As directed by the court in accordance with rule 12.65.

An application under rule 12.71 for a declaration as to the existence, or extent, of parental responsibility under Article 16 of the 1996 Convention. --- Any interested person including a person who holds, or claims to hold, parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom. --- Every person whom the applicant believes to have parental responsibility for the child;

An application under rule 12.71 for a declaration as to the existence, or extent, of parental responsibility under Article 16 of the 1996 Convention. --- any person whom the applicant believes to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and where the child is the subject of a care order, every person whom the applicant believes to have had parental responsibility immediately prior to the making of the care order.

12.4 Notice of proceedings to person with foreign parental responsibility

- (1) This rule applies where a child is subject to proceedings to which this Part applies and—
- (a) a person holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and
- (b) that person is not otherwise required to be joined as a respondent under rule 12.3.
- (2) The applicant shall give notice of the proceedings to any person to whom the applicant believes paragraph (1) applies in any case in which a person whom the applicant believed to have parental responsibility under the 1989 Act would be a respondent to those proceedings in accordance with rule 12.3.
- (3) The applicant and every respondent to the proceedings shall provide such details as they possess as to the identity and whereabouts of any person they believe to hold parental responsibility for the child in accordance with paragraph (1) to the court officer, upon making, or responding to the application as appropriate.
- (4) Where the existence of a person who is believed to have parental responsibility for the child in accordance with paragraph (1) only becomes apparent to a party at a later date during the proceedings, that party must notify the court officer of those details at the earliest opportunity.
- (5) Where a person to whom paragraph (1) applies receives notice of proceedings, that person may apply to the court to be joined as a party using the Part 18 procedure.

.....

12.12 Directions

- (1) This rule does not apply to proceedings under Chapter 6 of this Part.

.....

(8) The court or court officer will—

- (a) take a note of the giving, variation or revocation of a direction under this rule; and
- (b) as soon as practicable serve a copy of the note on every party.

(Rule 12.48 provides for directions in proceedings under the 1980 Hague Convention and the European Convention.)

12.14 Attendance at hearings

- (1) This rule does not apply to proceedings under Chapter 6 of this Part except for proceedings for a declaration under rule 12.71.

.....

- (10) Nothing in this rule affects the provisions of Article 18 of the Council Regulation in cases to which that provision applies.

(The Council Regulation makes provision in Article 18 for the court to stay proceedings where the respondent is habitually resident in another Member State of the European Union and has not been adequately served with the proceedings as required by that provision.)

12.16 Applications without notice

- (1) This rule applies to—
- (a) proceedings for a section 8 order;
- (b) emergency proceedings; and
- (c) proceedings relating to the exercise of the court’s inherent jurisdiction (other than an application for the court’s permission to start such proceedings and proceedings for collection, location and passport orders where Chapter 6 applies).

(2) An application in proceedings referred to in paragraph (1) may, be made without notice in which case the applicant must file the application –

....

(7) Where the hearing takes place outside the hours during which the court office is normally open, the court or court officer will take a note of the proceedings.

(Practice Direction 12E (Urgent Business) provides further details of the procedure for out of hours applications. See also Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings).)

(Rule 12.47 provides for without-notice applications in proceedings under Chapter 6, section 1 of this Part, (proceedings under the 1980 Hague Convention and the European Convention).)

12.43 Scope

This Chapter applies to—

- (a) children proceedings under the 1980 Hague Convention or the European Convention; and
- (b) applications relating to the Council Regulation or the 1996 Hague Convention in respect of children.

12.44 Interpretation

In this section—

“the 1985 Act” means the Child Abduction and Custody Act 1985;

“Central Authority” means, in relation to England and Wales, the Lord Chancellor;

“Contracting State” has the meaning given in—

- (a) section 2 of the 1985 Act in relation to the 1980 Hague Convention; and
- (b) section 13 of the 1985 Act in relation to the European Convention; and

“decision relating to custody” has the same meaning as in the European Convention.

(“the 1980 Hague Convention” and the “the European Convention” are defined in rule 2.3)

12.45 Where to start proceedings

Every application under the 1980 Hague Convention or the European Convention must be—

- (a) made in the High Court and issued in the principal registry; and
- (b) heard by a Judge of the High Court unless the application is;
 - (i) to join a respondent; or
 - (ii) to dispense with service or extend the time for acknowledging service.

12.52 Stay of proceedings upon notification of wrongful removal etc

(1) In this rule and in rule 12.53—

(a) “relevant authority” means—

- (i) the High Court;
- (ii) the family court;
- (iii) ...
- (iv) the Court of Session;
- (v) a sheriff court;
- (vi) a children’s hearing within the meaning of the Children’s Hearings (Scotland) Act 2011;
- (vii) the High Court in Northern Ireland;
- (viii) a county court in Northern Ireland;
- (ix) a court of summary jurisdiction in Northern Ireland;
- (x) the Royal Court of Jersey;
- (xi) a court of summary jurisdiction in Jersey;
- (xii) the High Court of Justice of the Isle of Man;
- (xiii) a court of summary jurisdiction in the Isle of Man; or
- (xiv) the Secretary of State; and

(b) “rights of custody” has the same meaning as in the 1980 Hague Convention.

(2) Where a party to proceedings under the 1980 Hague Convention knows that an application relating to the merits of rights of custody is pending in or before a relevant authority, that party must file within the proceedings under the 1980 Hague Convention a concise statement of the nature of that application, including the relevant authority in or before which it is pending.

(3) On receipt of a statement filed in accordance with paragraph (2) above, a court officer will notify the relevant authority in or before which the application is pending and will subsequently notify the relevant authority of the result of the proceedings.

(4) On receipt by the relevant authority of a notification under paragraph (3) from the High Court or equivalent notification from the Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man—

- (a) all further proceedings in the action will be stayed unless and until the proceedings under the 1980 Hague Convention in the High Court, Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man are dismissed; and
- (b) the parties to the action will be notified by the court officer of the stay and dismissal.

12.53 Stay of proceedings where application made under s.16 of the 1985 Act (registration of decisions under the European Convention)

(1) A person who—

(a) is a party to—

- (i) proceedings under section 16 of the 1985 Act; or
 - (ii) proceedings as a result of which a decision relating to custody has been registered under section 16 of the 1985 Act; and
- (b) knows that an application is pending under—

- (i) section 20(2) of the 1985 Act;
- (ii) Article 21(2) of the Child Abduction and Custody (Jersey) Law 2005; or
- (iii) section 42(2) of the Child Custody Act 1987 (an Act of Tynwald),

must file within the proceedings under section 16 of the 1985 Act a concise statement of the nature of the pending application.

(2) On receipt of a statement filed in accordance with paragraph (1) above, a court officer will notify the relevant authority in or before which the application is pending and will subsequently notify the relevant authority of the result of the proceedings.

(3) On receipt by the relevant authority of a notification under paragraph (2) from the High Court or equivalent notification from the Court of Session, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man, the court officer will notify the parties to the action.

12.55 Revocation and variation of registered decisions

(1) This rule applies to decisions which—

(a) have been registered under section 16 of the 1985 Act; and

(b) are subsequently varied or revoked by an authority in the Contracting State in which they were made.

(2) The court will, on cancelling the registration of a decision which has been revoked, notify—

- (a) the person appearing to the court to have care of the child;
- (b) the person on whose behalf the application for registration of the decision was made; and
- (c) any other party to the application.

(3) The court will, on being informed of the variation of a decision, notify—

- (a) the party appearing to the court to have care of the child; and
- (b) any party to the application for registration of the decision;

and any such person may apply to make representations to the court before the registration is varied.

(4) Any person appearing to the court to have an interest in the proceedings may apply for the registration of a decision for the cancellation or variation of the decision referred to in paragraph (1).

12.57 Disclosure of information in proceedings under the European Convention

At any stage in proceedings under the European Convention the court may, if it has reason to believe that any person may have relevant information about the child who is the subject of those proceedings, order that person to disclose such information and may for that purpose order that the person attend before it or file affidavit evidence.

12.58 Interpretation

(1) In this section—

....

“Contracting State” means a State party to the 1996 Hague Convention;

“judgment” has the meaning given in Article 2(4) of the Council Regulation;

“Member State” means a Member State bound by the Council Regulation or a country which has subsequently adopted the Council Regulation;

“parental responsibility” has the meaning given in—

- (a) Article 2(7) of the Council Regulation in relation to proceedings under that Regulation; and
 - (b) Article 1(2) of the 1996 Hague Convention in relation to proceedings under that Convention; and
- “seised” has the meaning given in Article 16 of the Council Regulation.

(2) In rules 12.59 to 12.70, references to the court of another member State or Contracting State include authorities within the meaning of “court” in Article 2(1) of the Council Regulation, and authorities of Contracting States which have jurisdiction to take measures directed to the protection of the person or property of the child within the meaning of the 1996 Hague Convention.

12.59 Procedure under Article 11(6) of the Council Regulation where the court makes a non-return order under Article 13 of the 1980 Hague Convention

- (1) Where the court makes an order for the non-return of a child under Article 13 of the 1980 Hague Convention, it must immediately transmit the documents referred to in Article 11(6) of the Council Regulation—
 - (a) directly to the court with jurisdiction or the central authority in the Member State where the child was habitually resident immediately before the wrongful removal to, or wrongful retention in, England and Wales; or
 - (b) to the domestic Central Authority for onward transmission to the court with jurisdiction or the central authority in the other Member State mentioned in sub-paragraph (a).
- (2) The documents required by paragraph (1) must be transmitted by a method which, in the case of direct transmission to the court with jurisdiction in the other Member State, ensures and, in any other case, will not prevent, their receipt by that court within one month of the date of the non-return order.

12.60 Procedure under Article 11(7) of the Council Regulation where the court receives a non-return order made under Article 13 of the 1980 Hague Convention by a court in another Member State

- (1) This rule applies where the court receives an order made by a court in another Member State for the non-return of a child.
- (2) In this rule, the order for non-return of the child and the papers transmitted with that order from the court in the other Member State are referred to as “the non-return order”.
- (3) Where, at the time of receipt of the non-return order, the court is already seised of a question of parental responsibility in relation to the child,—
 - (a) the court officer shall immediately—
 - (i) serve copies of the non-return order on each party to the proceedings in which a question of parental responsibility in relation to the child is at issue; and
 - (ii) where the non-return order was received directly from the court or the central authority in the other Member State, transmit to the [domestic Central Authority] a copy of the non-return order.
 - (b) the court shall immediately invite the parties to the 1980 Hague Convention proceedings to file written submissions in respect of the question of custody by a specified date, or to attend a hearing to consider the future conduct of the proceedings in the light of the non-return order.
- (4) Where, at the time of receipt of the non-return order, the court is not already seised of the question of parental responsibility in relation to the child, it shall immediately—
 - (a) open a court file in respect of the child and assign a court reference to the file;
 - (b) serve a copy of the non-return order on each party to the proceedings before the court in the Member State which made that order;
 - (c) invite each party to file, within 3 months of notification to that party of receipt of the non-return order, submissions in the form of—
 - (i) an application for an order under—
 - (aa) the 1989 Act; or
 - (bb) (in the High Court only) an application under the inherent jurisdiction in respect of the child; or
 - (ii) where permission is required to make an application in question, an application for that permission;
 - (d) where the non-return order was received directly from the court or central authority in the other Member State, transmit to the domestic Central Authority a copy of the non-return order.
- (5) In a case to which paragraph (4) applies where no application is filed within the 3 month period provided for by paragraph (4)(c) the court must close its file in respect of the child.

(Enforcement of a subsequent judgment requiring the return of the child, made under Article 11(8) by a court examining custody of the child under Article 11(7), is dealt with in Part 31 below.)

12.61 Transfer of proceedings under Article 15 of the Council Regulation or under Article 8 of the 1996 Hague Convention

- (1) Where the court is considering the transfer of proceedings to the court of another Member State or Contracting State under rules 12.62 to 12.64 it will—
 - (a) fix a date for a hearing for the court to consider the question of transfer; and
 - (b) give directions as to the manner in which the parties may make representations.
- (2) The court may, with the consent of all parties, deal with the question of transfer without a hearing.
- (3) Directions which are in force immediately prior to the transfer of proceedings to a court in another Member State or Contracting State under rules 12.62 to 12.64 will continue to apply until the court in that other State accepts jurisdiction in accordance with the provisions of the Council Regulation or the 1996 Hague Convention (as appropriate), subject to any variation or revocation of the directions.
- (4) The court or court officer will—
 - (a) take a note of the giving, variation or revocation of directions under this rule; and
 - (b) as soon as practicable serve a copy of the directions order on every party.
- (5) A register of all applications and requests for transfer of jurisdiction to or from another Member State or Contracting State will be kept by the principal registry.

12.62 Application by a party for transfer of the proceedings

- (1) A party may apply to the court under Article 15(1) of the Council Regulation or under Article 8(1) of the 1996 Hague Convention—
 - (a) to stay(GL) the proceedings or a specified part of the proceedings and to invite the parties to introduce a request before a court of another Member State or Contracting State; or
 - (b) to make a request to a court of another Member State or another Contracting State to assume jurisdiction for the proceedings, or a specified part of the proceedings.
- (2) An application under paragraph (1) must be made—
 - (a) to the court in which the relevant parental responsibility proceedings are pending; and
 - (b) using the Part 18 procedure.
- (3) The applicant must file the application notice and serve it on the respondents—
 - (a) where the application is also made under Article 11 of the Council Regulation, not less than 5 days, and
 - (b) in any other case, not less than 42 days,
 before the hearing of the application.

12.63 Application by a court of another Member State or another Contracting State for transfer of the proceedings

- (1) This rule applies where a court of another Member State or another Contracting State makes an application under Article 15(2)(c) of the Council Regulation or under Article 9 of the 1996 Hague Convention that the court having jurisdiction in relation to the proceedings transfer the proceedings or a specific part of the proceedings to the applicant court.
- (2) When the court receives the application, the court officer will—
 - (a) as soon as practicable, notify the [domestic Central Authority] of the application; and
 - (b) serve the application, and notice of the hearing on all other parties in England and Wales not less than 5 days before the hearing of the application.

12.64 Exercise by the court of its own initiative of powers to seek to transfer the proceedings

- (1) The court having jurisdiction in relation to the proceedings may exercise its powers of its own initiative under Article 15 of the Council Regulation or Article 8 of the 1996 Hague Convention in relation to the proceedings or a specified part of the proceedings.
- (2) Where the court proposes to exercise its powers, the court officer will give the parties not less than 5 days' notice of the hearing.

12.65 Application to High Court to make request under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention to request transfer of jurisdiction

- (1) An application for the court to request transfer of jurisdiction in a matter concerning a child from another Member State or another Contracting State under Article 15 of the Council Regulation, or Article 9 of the 1996 Hague Convention (as the case may be) must be made to the principal registry and heard in the High Court.
- (2) An application must be made without notice to any other person and the court may give directions about joining any other party to the application.
- (3) Where there is agreement between the court and the court or competent authority to which the request under paragraph (1) is made to transfer the matter to the courts of England and Wales, the court will consider with that other court or competent authority the specific timing and conditions for the transfer.
- (4) Upon receipt of agreement to transfer jurisdiction from the court or other competent authority in the Member State, or Contracting State to which the request has been made, the court officer will serve on the applicant a notice that jurisdiction has been accepted by the courts of England and Wales.
- (5) The applicant must attach the notice referred to in paragraph (3) to any subsequent application in relation to the child.
- (6) Nothing in this rule requires an application with respect to a child commenced following a transfer of jurisdiction to be made to or heard in the High Court.
- (7) Upon allocation, the court to which the proceedings are allocated must immediately fix a directions hearing to consider the future conduct of the case.

12.66 Procedure where the court receives a request from the authorities of another Member State or Contracting State to assume jurisdiction in a matter concerning a child

- (1) Where any court other than the High Court receives a request to assume jurisdiction in a matter concerning a child from a court or other authority which has jurisdiction in another Member State or Contracting State, that court must immediately refer the request to a Judge of the High Court for a decision regarding acceptance of jurisdiction to be made.
- (2) Upon the High Court agreeing to the request under paragraph (1), the court officer will notify the parties to the proceedings before the other Member State or Contracting State of that decision, and the case must be allocated as if the application had been made in England and Wales.
- (3) Upon allocation, the court to which the proceedings are allocated must immediately fix a directions hearing to consider the future conduct of the case.
- (4) The court officer will serve notice of the directions hearing on all parties to the proceedings in the other Member State or Contracting State no later than 5 days before the date of that hearing.

12.67 Service of the court's order or request relating to transfer of jurisdiction under the Council Regulation or the 1996 Hague Convention

The court officer will serve an order or request relating to transfer of jurisdiction on all parties, the Central Authority of the other Member State or Contracting State, and the domestic Central Authority.

12.68 Questions as to the court's jurisdiction or whether the proceedings should be stayed

- (1) If at any time after issue of the application it appears to the court that under any of Articles 16 to 18 of the Council Regulation it does not or may not have jurisdiction to hear an application, or that under Article 19 of the Council Regulation or Article 13 of the 1996 Hague Convention it is or may be required to stay the proceedings or to decline jurisdiction, the court must—
 - (a) stay the proceedings; and
 - (b) fix a date for a hearing to determine jurisdiction or whether there should be a stay or other order.
- (2) The court officer will serve notice of the hearing referred to at paragraph (1)(b) on the parties to the proceedings.
- (3) The court must, in writing—
 - (a) give reasons for its decision under paragraph (1); and
 - (b) where it makes a finding of fact, state such finding.
- (4) The court may with the consent of all the parties deal with any question as to the jurisdiction of the court, or as to whether the proceedings should be stayed, without a hearing.

12.69 Request for consultation as to contemplated placement of child in England and Wales

- (1) This rule applies to a request made—
 - (a) under Article 56 of the Council Regulation, by a court in another Member State; or
 - (b) under Article 33 of the 1996 Hague Convention by a court in another Contracting State
 for consultation on or consent to the contemplated placement of a child in England and Wales.

- (2) Where the court receives a request directly from a court in another Member State or Contracting State, the court shall, as soon as practicable after receipt of the request, notify the [domestic Central Authority] of the request and take the appropriate action under paragraph (4).
- (3) Where it appears to the court officer that no proceedings relating to the child are pending before a court in England and Wales, the court officer must inform the [domestic Central Authority] of that fact and forward to the Central Authority all documents relating to the request sent by the court in the other Member State or Contracting State.
- (4) Where the court receives a request forwarded by the domestic Central Authority, the court must, as soon as practicable after receipt of the request, either—
 - (a) where proceedings relating to the child are pending before the court, fix a directions hearing; or
 - (b) where proceedings relating to the child are pending before another court in England and Wales, send a copy of the request to that court.

12.70 Request made by court in England and Wales for consultation as to contemplated placement of child in another Member State or Contracting State

- (1) This rule applies where the court is contemplating the placement of a child in another Member State under Article 56 of the Council Regulation or another Contracting State under Article 33 of the 1996 Hague Convention, and proposes to send a request for consultation with or for the consent of the central authority or other authority having jurisdiction in the other State in relation to the contemplated placement.
- (2) In this rule, a reference to “the request” includes a reference to a report prepared for purposes of Article 33 of the 1996 Hague Convention where the request is made under that Convention.
- (3) Where the court sends the request directly to the central authority or other authority having jurisdiction in the other State, it shall at the same time send a copy of the request to the [domestic Central Authority].
- (4) The court may send the request to the domestic Central Authority for onward transmission to the central authority or other authority having jurisdiction in the other Member State.
- (5) The court should give consideration to the documents which should accompany the request.

(See Chapters 1 to 3 of this Part generally, for the procedure governing applications for an order under paragraph 19(1) of Schedule 2 to the 1989 Act permitting a local authority to arrange for any child in its care to live outside England and Wales.)

(Part 14 sets out the procedure governing applications for an order under section 84 (giving parental responsibility prior to adoption abroad) of the Adoption and Children Act 2002.)

12.71 Application for a declaration as to the extent, or existence, of parental responsibility in relation to a child under Article 16 of the 1996 Hague Convention

- (1) Any interested person may apply for a declaration—
 - (a) that a person has, or does not have, parental responsibility for a child; or
 - (b) as to the extent of a person's parental responsibility for a child,
 where the question arises by virtue of the application of Article 16 of the 1996 Hague Convention.
- (2) An application for a declaration as to the extent, or existence of a person's parental responsibility for a child by virtue of Article 16 of the 1996 Hague Convention must be made in the principal registry and heard in the High Court.
- (3) An application for a declaration referred to in paragraph (1) may not be made where the question raised is otherwise capable of resolution in any other family proceedings in respect of the child.

13.4 Notice of proceedings to person with foreign parental responsibility

- (1) This rule applies where a child is subject to proceedings to which this Part applies and at the date of the application—
 - (a) a person holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and
 - (b) that person is not otherwise required to be joined as a respondent under rule 13.3.
- (2) The applicant shall give notice of the proceedings to any person to whom the applicant believes paragraph (1) applies.
- (3) The applicant and every respondent to the proceedings shall provide such details as they possess as to the identity and whereabouts of any person they believe to hold parental responsibility for the child in accordance with paragraph (1) to the court officer, upon making, or responding to the application as appropriate.
- (4) Where the existence of such a person only becomes apparent to a party at a later date during the proceedings, that party must notify the court officer of those details at the earliest opportunity.
- (5) Where a person to whom paragraph (1) applies receives notice of proceedings, that person may apply to the court to be joined as a party using the Part 18 procedure.

.....

14.4 Notice of proceedings to person with foreign parental responsibility

- (1) This rule applies where a child is subject to proceedings to which this Part applies and—
 - (a) a parent of the child holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and
 - (b) that parent is not otherwise required to be joined as a respondent under rule 14.3.
- (2) The applicant shall give notice of the proceedings to any parent to whom the applicant believes paragraph (1) applies in any case in which a person who was a parent with parental responsibility under the 1989 Act would be a respondent to the proceedings in accordance with rule 14.3.
- (3) The applicant and every respondent to the proceedings shall provide such details as they possess as to the identity and whereabouts of any parent they believe to hold parental responsibility for the child in accordance with paragraph (1) to the court officer, upon making, or responding to the application as appropriate.
- (4) Where the existence of such a parent only becomes apparent to a party at a later date during the proceedings, that party must notify the court officer of those details at the earliest opportunity.
- (5) Where a parent to whom paragraph (1) applies receives notice of proceedings, that parent may apply to the court to be joined as a party using the Part 18 procedure.

14.8 The first directions hearing

- (1) At the first directions hearing in the proceedings the court will—
 - (a) fix a timetable for the proceedings including a timetable for the filing of—
 - (i) any report relating to the suitability of the applicants to adopt a child;
 - (ii) any report from the local authority;
 - (iii) any report from a children's guardian, reporting officer or children and family reporter;
 - (iv) if a statement of facts has been filed, any amended statement of facts;
 - (v) any other evidence, and
 - (vi) give directions relating to the reports and other evidence;
- (2) consider whether the child or any other person should be a party to the proceedings and, if so, give directions in accordance with rule 14.3(2) or (3) joining that child or person as a party;
- (3) give directions relating to the appointment of a litigation friend for any protected party or child who is a party to, but not the subject of, proceedings unless a litigation friend has already been appointed;
- (4) consider in accordance with rule 29.17 whether the case needs to be transferred to another court and, if so, give directions to transfer the proceedings to another court . . . ;
- (5) give directions about—
 - (i) tracing parents or any other person the court considers to be relevant to the proceedings;
 - (ii) service of documents;
 - (iii) subject to paragraph (2), disclosure as soon as possible of information and evidence to the parties; and
 - (iv) the final hearing.

(Under Part 3 the court may also direct that the case be adjourned if it considers that non-court dispute resolution is appropriate.)

- (2) Rule 14.13(2) applies to any direction given under paragraph (1)(e)(iii) as it applies to a direction given under rule 14.13(1).

(3) In addition to the matters referred to in paragraph (1), the court will give any of the directions listed in Practice Direction 14B in proceedings for—

- (a) a Convention adoption order;
- (b) a section 84 order;
- (c) a section 88 direction;
- (d) a section 89 order; or
- (e) an adoption order where section 83(1) of the 2002 Act applies (restriction on bringing children in).

(4) The parties or their legal representatives must attend the first directions hearing unless the court directs otherwise.

(5) Directions may also be given at any stage in the proceedings—

- (a) of the court's own initiative; or
- (b) on the application of a party or any children's guardian or, where the direction concerns a report by a reporting officer or children and family reporter, the reporting officer or children and family reporter.
- (6) For the purposes of giving directions or for such purposes as the court directs—
 - (a) the court may set a date for a further directions hearing or other hearing; and
 - (b) the court officer will give notice of any date so fixed to the parties and to any children's guardian, reporting officer or children and family reporter.
- (7) After the first directions hearing the court will monitor compliance by the parties with the court's timetable and directions.

14.9 Requesting the court to dispense with the consent of any parent or guardian

- (1) This rule applies where the applicant wants to ask the court to dispense with the consent of any parent or guardian of a child to—
 - (a) the child being placed for adoption;
 - (b) the making of an adoption order except a Convention adoption order; or
 - (c) the making of a section 84 order.
- (2) The applicant requesting the court to dispense with the consent must—
 - (a) give notice of the request in the application form or at any later stage by filing a written request setting out the reasons for the request; and
 - (b) file a statement of facts setting out a summary of the history of the case and any other facts to satisfy the court that—
 - (i) the parent or guardian cannot be found or is incapable of giving consent; or
 - (ii) the welfare of the child requires the consent to be dispensed with.
- (3) If a serial number has been assigned to the applicant under rule 14.2, the statement of facts supplied under paragraph (2)(b) must be framed so that it does not disclose the identity of the applicant.
- (4) On receipt of the notice of the request—
 - (a) a court officer will—
 - (i) inform the parent or guardian of the request unless the parent or guardian cannot be found; and
 - (ii) send a copy of the statement of facts filed in accordance with paragraph (2)(b) to—
 - (aa) the parent or guardian unless the parent or guardian cannot be found;
 - (bb) any children's guardian, reporting officer or children and family reporter;
 - (cc) any local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given; and
 - (dd) any adoption agency which has placed the child for adoption; and

- (b) if the applicant considers that the parent or guardian is incapable of giving consent, the court will consider whether to—
- (i) appoint a litigation friend for the parent or guardian under rule 15.6(1); or
- (ii) give directions for an application to be made under rule 15.6(3),
- (iii) unless a litigation friend is already appointed for that parent or guardian.

14.10 Consent

- (1) Consent of any parent or guardian of a child—
 - (a) under section 19 of the 2002 Act, to the child being placed for adoption; and
 - (b) under section 20 of the 2002 Act, to the making of a future adoption order,
- must be given in the form referred to in Practice Direction 5A or a form to the like effect.

- (2) Subject to paragraph (3), consent—
- (a) to the making of an adoption order; or
- (b) to the making of a section 84 order,

may be given in the form referred to in Practice Direction 5A or a form to the like effect or otherwise as the court directs.

- (3) Any consent to a Convention adoption order must be in a form which complies with the internal law relating to adoption of the Convention country of which the child is habitually resident.
- (4) Any form of consent executed in Scotland must be witnessed by a Justice of the Peace or a Sheriff.
- (5) Any form of consent executed in Northern Ireland must be witnessed by a Justice of the Peace.
- (6) Any form of consent executed outside the United Kingdom must be witnessed by—
- (a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;
- (b) a British Consular officer;
- (c) a notary public; or
- (d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

.....

14.19 Translation of documents

- (1) Where a translation of any document is required for the purposes of proceedings for a Convention adoption order the translation must—
- (a) unless the court directs otherwise, be provided by the applicant; and
- (b) be signed by the translator to certify that the translation is accurate.
- (2) This rule does not apply where the document is to be served in accordance with the Service Regulation.

.....

14.22 Timing of applications for section 89 order

An application for a section 89 order must be made within 2 years beginning with the date on which—

- (a) the Convention adoption or Convention adoption order; or
 - (b) the overseas adoption or determination under section 91 of the 2002 Act,
- to which it relates was made.

14.26 Copies of orders

- (1) Within 7 days beginning with the date on which the final order was made in proceedings, or such shorter time as the court may direct, a court officer will send—
 - (a) a copy of the order to the applicant;
 - (b) a copy, which is sealed, authenticated with the stamp of the court or certified as a true copy, of—
 - (i) an adoption order;
 - (ii) a section 89 order; or
 - (iii) an order quashing or revoking an adoption order or allowing an appeal against an adoption order,
- to the Registrar General;
- (c) a copy of a Convention adoption order to the relevant Central Authority;
 - (d) a copy of a section 89 order relating to a Convention adoption order or a Convention adoption to the—
 - (i) relevant Central Authority;
 - (ii) adopters;
 - (iii) adoption agency; and
 - (iv) local authority;
- (e) unless the court directs otherwise, a copy of an under section 26 of the 2002 Act or a variation or revocation of such order under section 27 of the 2002 Act to the—
 - (i) person with whom the child is living;
 - (ii) adoption agency; and
 - (iii) local authority; . . .
 - (ee) unless the court directs otherwise, a copy of a contact order under section 51A(2)(a) of the 2002 Act, an order prohibiting contact under section 51A(2)(b) of that Act or a variation or revocation of such orders under section 51B(1)(c) of that Act to the parties to the proceedings; and
 - (f) a notice of the making or refusal of—
 - (i) the final order; or
 - (ii) an order quashing or revoking an adoption order or allowing an appeal against an order in proceedings,
- to every respondent and, with the permission of the court, any other person.
- (2) The court officer will also send notice of the making of an adoption order or a section 84 order to—
 - (a) any court in Great Britain which appears to the court officer to have made any such order as is referred to in section 46(2) of the 2002 Act (order relating to parental responsibility for, and maintenance of, the child); and
 - (b) the principal registry, if it appears to the court officer that a parental responsibility agreement has been recorded at the principal registry.
 - (3) A copy of any final order may be sent to any other person with the permission of the court.
 - (4) The court officer will send a copy of any order made during the course of the proceedings to the following persons or bodies, unless the court directs otherwise—
 - (a) all the parties to those proceedings;
 - (b) any children and family reporter appointed in those proceedings;
 - (c) any adoption agency or local authority which has prepared a report on the suitability of an applicant to adopt a child;
 - (d) any local authority which has prepared a report on placement for adoption.
 - (5) If an order has been drawn up in Welsh as well as English in accordance with rule 14.25(2) any reference in this rule to sending an order is to be taken as a reference to sending both the Welsh and English orders.

....

17.1 Interpretation

- (1) In this Part "statement of case" has the meaning given to it in Part 4 except that a statement of case does not include—
 - (a) . . .
 - (b) an application under Article 56 of the Maintenance Regulation made on the form in Annex VI or VII to that Regulation;
 - (c) an application under Article 10 of the 2007 Hague Convention using the Financial Circumstances Form.
 - (2) In this rule, "Financial Circumstances Form" has the meaning given to it in rule 9.3(1).]
- (Rule 4.1 defines "statement of case" for the purposes of Part 4.)]

17.2 Documents to be verified by a statement of truth

- (1) Subject to paragraph (9), the following documents must be verified by a statement of truth—
 - (a) a statement of case;
 - (b) a witness statement;
 - (c) an acknowledgement of service in a claim begun by the Part 19 procedure;
 - (d) a certificate of service;
 - (e) . . .
 - (f) a statement of information filed under rule 9.26(1)(b); and
 - (g) any other document where a [court order,] rule or practice direction requires it.
 - (2) Where a statement of case is amended, the amendments must be verified by a statement of truth unless the court orders otherwise.
 - (3) [Subject to paragraph (10), if] an applicant wishes to rely on matters set out in the application form or application notice as evidence, the application form or notice must be verified by a statement of truth.
 - (4) Subject to paragraph (5), a statement of truth is a statement that—
 - (a) the party putting forward the document;
 - (b) in the case of a witness statement, the maker of the witness statement; or
 - (c) in the case of a certificate of service, the person who signs the certificate,
- believes the facts stated in the document are true.
- (5) If a party is conducting proceedings with a litigation friend, the statement of truth in—
 - (a) a statement of case; or
 - (b) an application notice,
- is a statement that the litigation friend believes the facts stated in the document being verified are true.
- (6) The statement of truth must be signed by—

- (a) in the case of a statement of case—
 - (i) the party or litigation friend; or
 - (ii) the legal representative on behalf of the party or litigation friend; and
- (b) in the case of a witness statement . . . , the maker of the statement.
- (7) A statement of truth, which is not contained in the document which it verifies, must clearly identify that document.
- (8) A statement of truth in a statement of case may be made by—
 - (a) a person who is not a party; or
 - (b) by two parties jointly,
 where this is permitted by a practice direction.
- (9) An application that does not contain a statement of facts need not be verified by a statement of truth.
- (10) Notwithstanding paragraph (3), and subject to any direction given under rule 9.14(2A) or rule 9.19(2A), the court may permit a party to rely upon matters set out in an application form which has not been verified by a statement of truth as evidence where the application has been made under—
 - (a) Article 56 of the Maintenance Regulation on the form in Annex VI or VII to that Regulation; or
 - (b) Article 10 of the 2007 Hague Convention on an Article 11 form.
 (Practice Direction 17A sets out the form of statement of truth.)

.....

20.7 Conditions to be satisfied

- (1) The court may make an order for security for costs under rule 20.6 if—
 - (a) it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order; and
 - (b) either—
 - (i) one or more of the conditions in paragraph (2) applies; or
 - (ii) an enactment permits the court to require security for costs.
 - (2) The conditions are—
 - (a) the applicant is—
 - (i) resident out of the jurisdiction; but
 - (ii) not resident in a Brussels Contracting State, a State bound by the Lugano Convention, a State bound by the 2007 Hague Convention which is an EEA State, a Regulation State or a Maintenance Regulation State, as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982 . . . or a Member State bound by the Council Regulation;
 - (b) the applicant has changed address since the application was started with a view to evading the consequences of the litigation;
 - (c) the applicant failed to give an address in the application form, or gave an incorrect address in that form;
 - (d) the applicant has taken steps in relation to the applicant's assets that would make it difficult to enforce an order for costs against the applicant.
 - (3) The court may not make an order for security for costs under rule 20.6 in relation to the costs of proceedings under the 1980 Hague Convention.
- (Rule 4.4 allows the court to strike out(GL) a statement of case.)
 ('EEA State' is defined in Schedule 1 to the Interpretation Act 1978).

.....

Part 24 Witnesses, Depositions Generally and Taking of Evidence in Member States of the European Union

Chapter 1

Witnesses and Depositions

24.1 Scope of this Chapter

- (1) This Chapter provides—
 - (a) for the circumstances in which a person may be required to attend court to give evidence or to produce a document; and
 - (b) for a party to obtain evidence before a hearing to be used at the hearing.
- (Rules 34.16 to 34.21 and 34.24 of the CPR apply to incoming requests for evidence.)

24.7 Evidence by deposition

- (1) A party may apply for an order for a person to be examined before the hearing takes place.
 - (2) A person from whom evidence is to be obtained following an order under this rule is referred to as a 'deponent' and the evidence is referred to as a 'deposition'.
 - (3) An order under this rule is for a deponent to be examined on oath before—
 - (a) a judge;
 - (b) an examiner of the court; or
 - (c) such other person as the court appoints.
- Rule 24.14 makes provision for the appointment of examiners of the court.
- (4) The order may require the production of any document which the court considers is necessary for the purposes of the examination.
 - (5) The order must state the date, time and place of the examination.
 - (6) At the time of service of the order the deponent must be offered or paid—
 - (a) a sum reasonably sufficient to cover the expenses of the deponent in travelling to and from the place of examination; and
 - (b) such sum by way of compensation for loss of time as may be specified in Practice Direction 24A.
 - (7) Where the court makes an order for a deposition to be taken, it may also order the party who obtained the order to serve a witness statement or witness summary in relation to the evidence to be given by the person to be examined.
- (Part 22 (evidence) contains the general rules about witness statements and witness summaries.)
 (Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes.)

24.9 Enforcing attendance of witness

- (1) If a person served with an order to attend before an examiner—
 - (a) fails to attend; or
 - (b) refuses to be sworn for the purpose of the examination or to answer any lawful question or produce any document at the examination,
 a certificate of that person's failure or refusal, signed by the examiner, must be filed by the party requiring the deposition.
 - (2) On the certificate being filed, the party requiring the deposition may apply to the court for an order requiring that person to attend or to be sworn or to answer any question or produce any document, as the case may be.
 - (3) An application for an order under this rule may be made without notice.
 - (4) The court may order the person against whom an order is made under this rule to pay any costs resulting from that person's failure or refusal.
- (Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(d) relates specifically to this rule.)

24.10 Use of deposition at a hearing

- (1) A deposition ordered under rule 24.7 may be given in evidence at a hearing unless the court orders otherwise.
 - (2) A party intending to put in evidence a deposition at a hearing must file notice of intention to do so on the court and the court will give directions about serving the notice on every other party.
 - (3) The party must file the notice at least 21 days before the day fixed for the hearing.
 - (4) The court may require a deponent to attend the hearing and give evidence orally.
 - (5) Where a deposition is given in evidence at the final hearing, it is treated as if it were a witness statement for the purposes of rule 22.19 (availability of witness statements for inspection).
- (Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(e) relates specifically to this rule.)

24.12 Where a person to be examined is out of the jurisdiction—letter of request

- (1) This rule applies where a party wishes to take a deposition from a person who is—
 - (a) out of the jurisdiction; and
 - (b) not in a Regulation State within the meaning of Chapter 2 of this Part.
 - (2) The High Court may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is.
 - (3) A letter of request is a request to a judicial authority to take the evidence of that person, or arrange for it to be taken.
 - (4) The High Court may make an order under this rule in relation to family court proceedings.
 - (5) If the government of a country allows a person appointed by the High Court to examine a person in that country, the High Court may make an order appointing a special examiner for that purpose.
 - (6) A person may be examined under this rule on oath or affirmation or in accordance with any procedure permitted in the country in which the examination is to take place.
 - (7) If the High Court makes an order for the issue of a letter of request, the party who sought the order must file—
 - (a) the following documents and, except where paragraph (8) applies, a translation of them—
 - (i) a draft letter of request;
 - (ii) a statement of the issues relevant to the proceedings; and
 - (iii) a list of questions or the subject matter of questions to be put to the person to be examined; and
 - (b) an undertaking to be responsible for the Secretary of State's expenses.
 - (8) There is no need to file a translation if—
 - (a) English is one of the official languages of the country where the examination is to take place; or
 - (b) a practice direction has specified that country as a country where no translation is necessary.
- (Rules 35.3 and 35.4 contain rules in relation to evidence arising out of mediation of cross-border disputes. Rule 35.4(1)(f) relates specifically to this rule.)

24.13 Fees and expenses of examiner of the court

- (1) An examiner of the court may charge a fee for the examination.
- (2) The examiner need not send the deposition to the court unless the fee is paid.
- (3) The examiner's fees and expenses must be paid by the party who obtained the order for examination.
- (4) If the fees and expenses due to an examiner are not paid within a reasonable time, the examiner may report that fact to the court.
- (5) The court may order the party who obtained the order for examination to deposit in the court office a specified sum in respect of the examiner's fees and, where it does so, the examiner will not be asked to act until the sum has been deposited.
- (6) An order under this rule does not affect any decision as to the party who is ultimately to bear the costs of the examination.

24.14 Examiners of the court

- (1) The Lord Chancellor will appoint persons to be examiners of the court.
- (2) The persons appointed must be barristers or solicitor-advocates who have been practising for a period of not less than 3 years.
- (3) The Lord Chancellor may revoke an appointment at any time.

Chapter 2

Taking of Evidence—Member States of the European Union

24.15 Interpretation

In this Chapter—

"designated court" has the meaning given in Practice Direction 24A;

"Regulation State" has the same meaning as "Member State" in the Taking of Evidence Regulation, that is all Member States except Denmark;

"the Taking of Evidence Regulation" means Council Regulation (EC) No 1206/2001 of 28 May 2001 on co-operation between the courts of the Member States in the taking of evidence in civil or commercial matters.

24.16 Where a person to be examined is in another Regulation State

- (1) This rule applies where a party wishes to take a deposition from a person who is—
 - (a) outside the jurisdiction; and
 - (b) in a Regulation State.
- (2) The court may order the issue of a request to a designated court ('the requested court') in the Regulation State in which the proposed deponent is.
- (3) If the court makes an order for the issue of a request, the party who sought the order must file—
 - (a) a draft Form A as set out in the annex to the Taking of Evidence Regulation (request for the taking of evidence);
 - (b) except where paragraph (4) applies, a translation of the form;
 - (c) an undertaking to be responsible for costs sought by the requested court in relation to—
 - (i) fees paid to experts and interpreters; and
 - (ii) where requested by that party, the use of special procedures or communications technology; and
 - (d) an undertaking to be responsible for the court's expenses.
- (4) There is no need to file a translation if—
 - (a) English is one of the official languages of the Regulation State where the examination is to take place; or
 - (b) the Regulation State has indicated, in accordance with the Taking of Evidence Regulation, that English is a language which it will accept.
- (5) Where article 17 of the Taking of Evidence Regulation (direct taking of evidence by the requested court) allows evidence to be taken directly in another Regulation State, the court may make an order for the submission of a request in accordance with that article.
- (6) If the court makes an order for the submission of a request under paragraph (5), the party who sought the order must file—
 - (a) a draft Form I as set out in the annex to the Taking of Evidence Regulation (request for direct taking of evidence);
 - (b) except where paragraph (4) applies, a translation of the form; and
 - (c) an undertaking to be responsible for the court's expenses.

27.1 Application of this Part

This Part is subject to any enactment, any provision in these rules or a practice direction.

(Rule 27.4(7) makes additional provision in relation to requirements to stay proceedings where the respondent does not appear and a relevant European regulation or international convention applies)

27.4 Proceedings in the absence of a party

- (1) Proceedings or any part of them shall take place in the absence of any party, including a party who is a child, if—
 - (a) the court considers it in the interests of the party, having regard to the matters to be discussed or the evidence likely to be given; and
 - (b) the party is represented by a children's guardian or solicitor,and when considering the interests of a child under sub-paragraph (a) the court shall give the children's guardian, the solicitor for the child and, if of sufficient understanding and the court thinks it appropriate, the child, an opportunity to make representations.
- (2) Subject to paragraph (3), where at the time and place appointed for a hearing or directions appointment the applicant appears but one or more of the respondents do not, the court may proceed with the hearing or appointment.
- (3) The court shall not begin to hear an application in the absence of a respondent unless—
 - (a) it is proved to the satisfaction of the court that the respondent received reasonable notice of the date of the hearing; or
 - (b) the court is satisfied that the circumstances of the case justify proceeding with the hearing.
- (4) Where, at the time and place appointed for a hearing or directions appointment, one or more of the respondents appear but the applicant does not, the court may refuse the application or, if sufficient evidence has previously been received, proceed in the absence of the applicant.
- (5) Where, at the time and place appointed for a hearing or directions appointment, neither the applicant nor any respondent appears, the court may refuse the application.
- (6) Paragraphs (2) to (5) do not apply to a hearing to which paragraphs (5) to (8) of rule 12.14 do not apply by virtue of paragraph (9) of that rule.
- (7) Nothing in this rule affects any provision of a European regulation or international convention by which the United Kingdom is bound which requires a court to stay proceedings where a respondent in another State has not been adequately served with proceedings in accordance with the requirements of that regulation or convention.

29.12 Access to and inspection of documents retained in court

- (1) Except as provided by this rule or by any other rule or Practice Direction, no document or copy of a document filed or lodged in the court office shall be open to inspection by any person without the permission of the court, and no copy of any such document or copy shall be taken by, or issued to, any person without such permission.
- (2) A copy of an order made in open court will be issued to any person who requests it.
- (3) Subject to rules 14.24 and 29.1(2) and to any direction given by the court, a party to any family proceedings, or the legal representative, children's guardian or litigation friend for a party in any family proceedings, may have a search made for, and may inspect, and obtain a copy of, any document [or copy of a document] filed or lodged in the court office in those proceedings.
- (4) Any person who intends to make an application in relation to a child under the 1980 Hague Convention in a Contracting State (as defined in rule 12.44) other than the United Kingdom shall, if the court is satisfied that that person intends to make such an application, be entitled to obtain a copy bearing the seal of the court of any order made in relation to the child under the 1989 Act or under the inherent jurisdiction, whether or not that person was a party to the proceedings in which the order was made.
- (5) For the purposes of this rule, "document" and "copy" have the meanings given in rule 21.1(3).

Part 31 Registration of Orders Under the Council Regulation, the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 and Under the Hague Convention 1996

.....

31.1 Scope

This Part applies to proceedings for the recognition, non-recognition and registration of—

- (a) judgments to which the Council Regulation applies;
- (b) measures to which the 1996 Hague Convention applies; . . .
- (c) judgments to which the Jurisdiction and Recognition of Judgments Regulations apply, and which relate to dissolution or annulment of overseas relationships entitled to be treated as a civil partnership, or legal separation of the same; and
- (d) judgments to which the 2014 Regulations apply and which relate to divorce, or annulment of a marriage of a same sex couple or the judicial separation of the same.

31.2 Interpretation

- (1) In this Part—
 - (a) "judgment" is to be construed—
 - (i) in accordance with the definition in Article 2(4) of the Council Regulation where it applies;
 - (ii) in accordance with regulation 6 of the Jurisdiction and Recognition of Judgments Regulations where those Regulations apply; . . .
 - (iii) as meaning any measure taken by an authority with jurisdiction under Chapter II of the 1996 Hague Convention where that Convention applies; or
 - (iv) in accordance with regulation 4(1)(a) of The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 where those Regulations apply;
 - (b) "the Jurisdiction and Recognition of Judgments Regulations" means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005;
 - (ba) "the 2014 Regulations" means the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014;
 - (c) "Member State" means—
 - (i) where registration, recognition or non-recognition is sought of a judgment under the Council Regulation, a Member State of the European Union which is bound by that Regulation or a country which has subsequently adopted it;
 - (ii) where recognition is sought of a judgment to which the Jurisdiction and Recognition of Judgments Regulations apply, a Member State of the European Union to which Part II of those Regulations applies;
 - (iii) where recognition is sought of a judgment to which the 2014 Regulations apply, a member State of the European Union to which Part II of those Regulations applies;
 - (d) "Contracting State" means a State, other than a Member State within the meaning of (c) above, in relation to which the 1996 Hague Convention is in force as between that State and the United Kingdom; and
 - (e) "parental responsibility"—

- (i) where the Council Regulation applies, has the meaning given in Article 2(7) of that Regulation; and
- (ii) where the 1996 Hague Convention applies, has the meaning given in Article 1(2) of that Convention.
- (2) References in this Part to registration are to the registration of a judgment in accordance with the provisions of this Part.

31.3 Where to start proceedings

- (1) Every application under this Part, except for an application under rule 31.18 for a certified copy of a judgment, or under rule 31.20 for rectification of a certificate issued under Articles 41 or 42, must be made to the principal registry.
- (2) Nothing in this rule prevents the determination of an issue of recognition as an incidental question by any court in proceedings, in accordance with Article 21(4) of the Council Regulation.
- (3) Notwithstanding paragraph (1), where recognition of a judgment is raised as an incidental question in proceedings under the 1996 Hague Convention, the Jurisdiction and Recognition of Judgments Regulations or the 2014 Regulations the court hearing those proceedings may determine the question of recognition.

31.4 Application for registration, recognition or non-recognition of a judgment

- (1) Any interested person may apply to the court for an order that the judgment be registered, recognised or not recognised.
- (2) Except for an application under rule 31.7, an application for registration, recognition or non-recognition must be—
 - (a) made to a district judge of the principal registry; and
 - (b) in the form, and supported by the documents and the information required by a practice direction.

31.5 Documents—supplementary

- (1) Except as regards a copy of a judgment required by Article 37(1)(a) of the Council Regulation, where the person making an application under this Part does not produce the documents required by rule 31.4(2)(b) the court may—
 - (a) fix a time within which the documents are to be produced;
 - (b) accept equivalent documents; or
 - (c) dispense with production of the documents if the court considers it has sufficient information.
- (2) This rule does not apply to applications under rule 31.7.

31.6 Directions

- (1) As soon as practicable after an application under this Part has been made, the court may (subject to the requirements of the Council Regulation) give such directions as it considers appropriate, including as regards the following matters—
 - (a) whether service of the application may be dispensed with;
 - (b) expedition of the proceedings or any part of the proceedings (and any direction for expedition may specify a date by which the court must give its decision);
 - (c) the steps to be taken in the proceedings and the time by which each step is to be taken;
 - (d) the service of documents; and
 - (e) the filing of evidence.
- (2) The court or court officer will—
 - (a) record the giving, variation or revocation of directions under this rule; and
 - (b) as soon as practicable serve a copy of the directions order on every party.

31.7 Recognition and enforcement under the Council Regulation of a judgment given in another Member State relating to rights of access or under Article 11(8) for the return of the child to that State

- (1) This rule applies where a judgment has been given in another Member State—
 - (a) relating to rights of access; or
 - (b) under Article 11(8) of the Council Regulation for the return of a child to that State,
 which has been certified, in accordance with Article 41(2) or 42(2) as the case may be, by the judge in the court of origin.
- (2) An application for recognition or enforcement of the judgment must be—
 - (a) made in writing to a district judge of the principal registry; and
 - (b) accompanied by a copy of the certificate issued by the judge in the court of origin.
- (3) The application may be made without notice.
- (4) Rules 31.5 and 31.8 to 31.17 do not apply to an application made under this rule.
- (5) Nothing in this rule shall prevent a holder of parental responsibility from seeking recognition and enforcement of a judgment in accordance with the provisions of rules 31.8 to 31.17.

31.8 Registration for enforcement or order for non-recognition of a judgment

- (1) This rule applies where an application is made for an order that a judgment given in another Member State, or a Contracting State, should be registered, or should not be recognised, except where rule 31.7 applies.
- (2) where the application is made for an order that the judgment should be registered—
 - (a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person against whom registration is sought;
 - (b) the court will not accept submissions from either the person against whom registration is sought or any child in relation to whom the judgment was given.
- (3) Where the application is for an order that the judgment should not be recognised—
 - (a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person in whose favour judgment was given;
 - (b) the person in whose favour the judgment was given must file an answer to the application and serve it on the applicant—
 - (i) within 1 month of service of the application; or
 - (ii) if the applicant is habitually resident in another Member State, within two months of service of the application.
- (4) In cases to which the 1996 Hague Convention applies and the Council Regulation does not apply, the court may extend the time set out in subparagraph (3)(b)(ii) on account of distance.
- (5) The person in whose favour the judgment was given may request recognition or registration of the judgment in their answer, and in that event must comply with 31.4(2)(b), to the extent that such documents, information and evidence are not already contained in the application for non-recognition.
- (6) If, in a case to which the Council Regulation applies, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3), the court will act in accordance with the provisions of Article 18 of the Council Regulation.
- (7) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3)—
 - (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and
 - (b) in all other cases, the court will not consider the application unless—
 - (i) it is proved to the satisfaction of the court that the person in whose favour judgment was given was served with the application within a reasonable period of time to arrange his or her response; or
 - (ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the application.
- (8) In a case to which the Jurisdiction and Recognition of Judgments Regulations or the 2014 Regulations apply, if the person in whose favour judgment was given fails to file an answer as required by paragraph (3), the court will apply the Service Regulation where that regulation applies, and if it does not—
 - (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and
 - (b) in all other cases, the court will apply the provisions of paragraph (7)(b).

31.9 Stay of recognition proceedings by reason of an appeal

Where recognition or non-recognition of a judgment given in another Member State or Contracting State is sought, or is raised as an incidental question in other proceedings, the court may stay the proceedings—

- (a) if an ordinary appeal against the judgment has been lodged; or
- (b) if the judgment was given in the Republic of Ireland, if enforcement of the judgment is suspended there by reason of an appeal.

31.10 Effect of refusal of application for a decision that a judgment should not be recognised

Where the court refuses an application for a decision that a judgment should not be recognised, the court may—

- (a) direct that the decision to refuse the application is to be treated as a decision that the judgment be recognised; or
- (b) treat the answer under paragraph (3)(b) of rule 31.8 as an application that the judgment be registered for enforcement if paragraph (5) of that rule is complied with and order that the judgment be registered for enforcement in accordance with rule 31.11.

31.11 Notification of the court's decision on an application for registration or non-recognition

- (1) Where the court has—
 - (a) made an order on an application for an order that a judgment should be registered for enforcement; or
 - (b) refused an application that a judgment should not be recognised and ordered under rule 31.10 that the judgment be registered for enforcement,
 the court officer will as soon as practicable take the appropriate action under paragraph (2) or (3).
- (2) If the court refuses the application for the judgment to be registered for enforcement, the court officer will serve the order on the applicant and the person against whom judgment was given in the state of origin.
- (3) If the court orders that the judgment should be registered for enforcement, the court officer will—
 - (a) register the judgment in the central index of judgments kept by the principal registry;
 - (b) confirm on the order that the judgment has been registered; and
 - (c) serve on the parties the court's order endorsed with the court officer's confirmation that the judgment has been registered.
- (4) A sealed order of the court endorsed in accordance with paragraph (3)(b) will constitute notification that the judgment has been registered under Article 28(2) of the Council Regulation or under Article 26 of the 1996 Hague Convention, as the case may be, and in this Part "notice of registration" means a sealed order so endorsed.
- (5) The notice of registration must state—
 - (a) full particulars of the judgment registered and the order for registration;
 - (b) the name of the party making the application and his address for service within the jurisdiction;
 - (c) the right of the person against whom judgment was given to appeal against the order for registration; and
 - (d) the period within which an appeal against the order for registration may be made.

31.12 Effect of registration under rule 31.11

Registration of a judgment under rule 31.11 will serve for the purpose of Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague Convention... regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations (as the case may be) as a decision that the judgment is recognised.

31.13 The central index of judgments registered under rule 31.11

The central index of judgments registered under rule 31.11 will be kept by the principal registry.

31.14 Decision on recognition of a judgment only

- (1) Where an application is made seeking recognition of a judgment only, the provisions of rules 31.8 and 31.9 apply to that application as they do to an application for registration for enforcement.
- (2) Where the court orders that the judgment should be recognised, the court officer will serve a copy of the order on each party as soon as practicable.
- (3) A sealed order of the court will constitute notification that the judgment has been recognised under Article 21(3) of the Council Regulation, Article 24 of the 1996 Hague convention, regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations, as the case may be.
- (4) The sealed order shall indicate—
 - (a) full particulars of the judgment recognised;
 - (b) the name of the party making the application and his address for service within the jurisdiction;
 - (c) the right of the person against whom judgment was given to appeal against the order for recognition; and
 - (d) the period within which an appeal against the order for recognition may be made.

31.15 Appeal against the court's decision under rules 31.10, 31.11 or 31.14

- (1) An appeal against the court's decision under rules 31.10, 31.11 or 31.14 must be made to a judge of the High Court—
 - (a) within one month of the date of service of the notice of registration; or
 - (b) if the party bringing the appeal is habitually resident in another Member State, or a Contracting State, within two months of the date of service.
- (2) The court may not extend time for an appeal on account of distance unless the matter is one to which the 1996 Hague Convention applies and the Council Regulation does not apply.
- (3) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the appeal is brought by the applicant for a declaration of enforceability or registration and the respondent fails to appear—
 - (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and
 - (b) in all other cases, the court will not consider the appeal unless—
 - (i) it is proved to the satisfaction of the court that the respondent was served with notice of the appeal within a reasonable period of time to arrange his or her response; or
 - (ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the appeal.
- (4) This rule is subject to rule 31.16.

(The procedure for applications under rule 31.15 is set out in Practice Direction 30A (Appeals).)

31.16 Stay of enforcement where appeal pending in state of origin

- (1) A party against whom enforcement is sought of a judgment which has been registered under rule 31.11 may apply to the court with which an appeal is lodged under rule 31.15 for the proceedings to be stayed where—
 - (a) that party has lodged an ordinary appeal in the Member State or Contracting State of origin; or
 - (b) the time for such an appeal has not yet expired.
- (2) Where an application for a stay is filed in the circumstances described in paragraph (1)(b), the court may specify the time within which an appeal must be lodged.

31.17 Enforcement of judgments registered under rule 31.11

- (1) Subject to paragraph (1A), the court will not enforce a judgment registered under rule 31.11 until after—
 - (a) the expiration of any applicable period under rules 31.15 or 31.16; or
 - (b) if that period has been extended by the court, the expiration of the period so extended.
- (1A) The court may enforce a judgment registered under rule 31.11 before the expiration of a period referred to in paragraph (1) where urgent enforcement of the judgment is necessary to secure the welfare of the child to whom the judgment relates.
- (2) A party applying to the court for the enforcement of a registered judgment must produce to the court a certificate of service of—
 - (a) the notice of registration of the judgment; and
 - (b) any order made by the court in relation to the judgment.

(Service out of the jurisdiction, including service in accordance with the Service Regulation, is dealt with in chapter 4 of Part 6 and in Practice Direction 6B.)

31.18 Request for a certificate or a certified copy of a judgment

- (1) An application for a certified copy of a judgment, or for a certificate under Articles 39, 41 or 42 of the Council Regulation, must be made to the court which made the order or judgment in respect of which certification is sought and without giving notice to any other party.
- (2) The application must be made in the form, and supported by the documents and information required by a practice direction.
- (3) The certified copy of the judgment will be an office copy sealed with the seal of the court and signed by [a court officer]. It will be issued with a certified copy of any order which has varied any of the terms of the original order.
- (4) Where the application is made for the purposes of applying for recognition or recognition and enforcement of the order in another Contracting State, the court must indicate on the certified copy of the judgment the grounds on which it based its jurisdiction to make the order, for the purposes of Article 23(2)(a) of the 1996 Hague Convention.

31.19 Certificates issued in England and Wales under Articles 41 and 42 of the Council Regulation

The court officer will serve—

- (a) a certificate issued under Article 41 or 42; or
 - (b) a certificate rectified under rule 31.20,
- on all parties and will transmit a copy to the Central Authority for England and Wales.

31.20 Rectification of certificate issued under Article 41 or 42 of the Council Regulation

- (1) Where there is an error in a certificate issued under Article 41 or 42, an application to rectify that error must be made to the court which issued the certificate.
- (2) A rectification under paragraph (1) may be made—
 - (a) by the court of its own initiative; or
 - (b) on application by—
 - (i) any party to the proceedings; or
 - (ii) the court or Central Authority of another Member State.
- (3) An application under paragraph (2)(b) may be made without notice being served on any other party.

31.21 Authentic instruments and agreements under Article 46 of the Council Regulation

This Chapter applies to an authentic instrument and an agreement to which Article 46 of the Council Regulation applies as it applies to a judgment.

31.22 Application for provisional, including protective measures.

An application for provisional, including protective, measures under Article 20 of the Council Regulation or Articles 11 or 12 of the 1996 Hague Convention may be made notwithstanding that the time for appealing against an order for registration of a judgment has not expired or that a final determination of any issue relating to enforcement of the judgment is pending.

.....

Variation of a family court order: section 22(1) of the 1950 Act

32.6A

Where a family court order, which is registered in a court in Scotland or Northern Ireland, is varied under section 22(1) of the 1950 Act by the court in which it is registered –

- (a) the court officer for the court which made the order will be the prescribed officer to whom notice of the variation must be given under section 23(1) of the 1950 Act; and
- (b) on receipt of a notice under section 23(1) of the 1950 Act, the court officer will enter particulars of the notice in the register.

Back to top

Application to adduce evidence: section 22(5) of the 1950 Act

32.6B

(1) The Part 18 procedure applies to an application under section 22(5) of the 1950 Act where a maintenance order was made by the family court.

(2) The family court will send a transcript or summary of any evidence taken to the clerk of the court in which the order is registered.

(3) The court officer for the court in England and Wales which made the maintenance order will be the prescribed officer to whom any transcript or summary of evidence adduced in the court in Scotland or Northern Ireland must be sent under section 22(5) of the 1950 Act.

.....

Application to adduce evidence: sections 21(2) and 22(5) of the 1950 Act

32.6

(1) The Part 18 procedure applies to the applications under these provisions of the 1950 Act –

- (a) an application to the High Court to adduce evidence under section 21(2) by a person liable to make payments under a Scottish order registered in the High Court;
- (b) an application to the family court to adduce evidence under section 21(2) by a person liable to make payments under a Scottish order registered in the High Court under the 1950 Act and registered in the family court under Part 1 of the 1958 Act; and
- (c) an application to the family court to adduce evidence under section 22(5) by a person entitled to payments or a person liable to make payments under a Scottish order or a Northern Irish order registered in the family court under Part 1 of the 1950 Act.

(2) The court officer for the family court (being the court in which the order is registered) will be the prescribed officer under section 22(5) of the 1950 Act to whom any transcript or summary of evidence adduced in the court in Scotland or Northern Ireland by which the order was made must be sent.

32.9

(1) This rule applies where –

- (a) a Scottish order or a Northern Irish order, which is registered in the High Court or the family court, is discharged or varied by the court in Scotland or Northern Ireland; and
 - (b) notice of the discharge or variation is given to the court officer in the High Court or in the family court, as the case may be (who is the prescribed officer for the purposes of section 23(1)(a) of the 1950 Act).
- (2) On receipt of a notice of discharge or variation, the court officer will enter particulars of the notice in the register.

.....

Payments under a maintenance order registered in the family court

32.10A

- (1) This rule applies where section 22(1A) of the 1950 Act applies and the family court orders that payments under a maintenance order registered in the family court are to be made by a particular means.
- (2) The court officer will record on a copy of the order the means of payment that the court has ordered.
- (3) The court officer will notify, in writing, the person liable to make payments under the order how the payments are to be made.
- (4) Where under section 1(4A) of the Maintenance Enforcement Act 1991 the family court orders payment to the court by a method of payment specified in section 1(5) of that Act, the court officer will notify the person liable to make payments under the order of sufficient details of the account into which the payments should be made to enable payments to be made into that account.
- (5) The Part 18 procedure applies to an application under section 1(7) of the Maintenance Enforcement Act 1991 (application from an interested party to revoke, suspend, revive or vary a means of payment order).
- (6) Where the court makes an order under section 1(7) of the Maintenance Enforcement Act 1991 or dismisses an application for such an order, the court officer will, as far as practicable, notify in writing all interested parties of the effect of the order and will take the steps set out in paragraphs (2), (3) and (4), as appropriate.
- (7) In this rule, 'interested party' has the meaning given in section 1(10) of the Maintenance Enforcement Act 1991

Enforcement

32.11

- (1) Subject to paragraph (2), Part 33 applies to an application for or with respect to the enforcement of a Scottish order or a Northern Irish order registered in the High Court or the family court.
- (2) The application may be made without notice to the person liable to make payments under the order.

Inspection of register and copies of order

32.12

Any person –

- (a) who is entitled to receive, or liable to make, payments under a Scottish order or a Northern Irish order registered in the High Court or the family court under the 1950 Act; or
- (b) with the permission of the court, may –
 - (i) inspect the register; or
 - (ii) request a copy of any order registered in the High Court or the family court under Part 2 of the 1950 Act and any statutory declaration, affidavit(GL) or statement filed with the order.

Notices and certificates: section 19(4), 20(1) and 24(5) and (5A) of the 1950 Act

32.12A

- (1) Practice Direction 32A contains the form of –
 - (a) a notice under section 19(4) of the 1950 Act that payments under a maintenance order made by a sheriff court in Scotland or a court of summary jurisdiction in Northern Ireland have become payable through or to any officer or person;
 - (b) a notice under section 19(4) of the 1950 Act that the payments under a maintenance order made by the family court have, on its registration under Part 2 of the 1950 Act in a court in Scotland or Northern Ireland, ceased to be payable to or through the court or any person;
 - (c) a certificate lodged under section 20(1) of the 1950 Act as to the amount of any arrears due under a maintenance order made by the family court; and
 - (d) a notice under section 24(5) or (5A) of the 1950 Act of the cancellation of the registration under Part 2 of the 1950 Act of a maintenance order in the family court.
- (2) The court officer will send a notice referred to in paragraph (1)(a), (b) or (d) to the person liable to make the payments under the order at that person's last known address.

.....

Application for registration of a maintenance order in the family court – procedure in the High Court

32.15

- (1) An application under section 2(1) of the 1958 Act may be made by sending to the court officer at the court which made the order –
 - (a) a certified copy of the maintenance order; and
 - (b) two copies of the application.
- (2) When, on the grant of an application, the court officer sends the certified copy of the maintenance order to the family court in accordance with section 2(2), the court officer must –
 - (a) note on the order that the application for registration has been granted; and
 - (b) send to the family court a copy of the application for registration of the order.
- (3) On receiving notice that the family court has registered the order, the court officer of the High Court must enter particulars of the registration in the court records.

Application for registration of a maintenance order in the family court – procedure in the family court

32.15A

- (1) This rule applies where the court officer for the family court receives from the court officer of the High Court a certified copy of a High Court order, in accordance with section 2(2)(b) of the 1958 Act.
- (2) The court officer of the family court will –
 - (a) register the order in the family court by entering particulars in the register; and
 - (b) send notice to the court officer of the High Court that the order has been registered.

Registration in the family court of an order registered in the High Court – procedure in the High Court

32.16

- (1) This rule applies where –
 - (a) a maintenance order is registered in the High Court in accordance with section 17(4) of the 1950 Act; and
 - (b) the court officer of the High Court receives notice that the family court has registered the order in accordance with section 2(5) of the 1958 Act.
- (2) The court officer of the High Court must enter particulars of the registration in the register

Registration in the family court of an order registered in the High Court – procedure in the family court

32.16A

- (1) This rule applies where –
 - (a) a maintenance order is registered in the High Court in accordance with section 17(4) of the 1950 Act; and
 - (b) the court officer of the family court, in accordance with section 2(2)(b) of the 1958 Act, receives from the appropriate officer of the original court in Scotland or Northern Ireland a certified copy of an order made by the court in Scotland or Northern Ireland.
- (2) The court officer of the family court will –
 - (a) register the order in the family court by entering particulars in the register; and
 - (b) send written notice to the court officer of the High Court and to the appropriate officer of the original court in Scotland or in Northern Ireland that the order has been registered.

Variation or discharge of an order registered in the family court – procedure in the High Court

32.19

- (1) This rule applies where a maintenance order is registered in the family court under Part 1 of the 1958 Act.
- (2) If the court which made the order makes an order varying or discharging that order the court officer of the High Court must send a certified copy of the order of variation or discharge to the family court.
- (3) If the court officer of the High Court receives from the family court a certified copy of an order varying the maintenance order the court officer must –
 - (a) file the copy of the order; and
 - (b) enter the particulars of the variation in the place where the details required by rule 32.15(3) were entered.

Variation, remission, discharge or cancellation of registration of an order registered in the family court – procedure in the family court

32.19A

- (1) Where under section 4(2) of the 1958 Act a High Court order registered in the family court is varied by the family court, the court officer for the family court will give notice of the variation to the High Court.
- (2) Where under section 4(4) of the 1958 Act an application for the variation of a High Court order registered in the family court is remitted to the High Court by the family court, the court officer for the family court will give notice of its having been remitted to the High Court.
- (3) Where under section 5(4) of the 1958 Act the registration of a High Court order in the family court is cancelled by the family court, the court officer for the family court will give notice of cancellation to the High Court, stating (if applicable) that the cancellation is a result of a notice given under section 5(1) of the 1958 Act.
- (4) Where under section 5(4) of the 1958 Act the registration in the family court of an order made in Scotland or Northern Ireland is cancelled by the family court, the court officer for the family court will give notice of the cancellation to –
 - (a) the appropriate officer of the court which made the order; and
 - (b) where the order is registered under Part 2 of the 1950 Act, to the appropriate officer of the High Court.
- (5) Where under section 5(4) of the 1958 Act the registration in the family court of an order under Part 2 of the 1950 Act is cancelled by the family court, the court officer for the family court will give notice of the cancellation to the appropriate officer of the original court.
- (6) Where under section 5 of the 1958 Act the cancellation of the registration of a High Court order means that any order which requires payment to be made to the family court is to cease to have effect, the court officer will give notice to the defendant in the form set out in Practice Direction 32A (Form 7).

Cancellation of registration – orders registered in the family court

32.22

- (1) Where the court gives notice under section 5(2) of the 1958 Act, the court officer must endorse the notice on the certified copy of the order of variation or discharge sent to the family court in accordance with rule 32.19(2).
- (2) Where notice is received from a magistrates' court that registration of an order made by the High Court under Part 1 of the 1958 Act has been cancelled, the court officer must enter particulars of the cancellation in the place where the details required by rule 32.15(3) were entered.

Notices: payments made through the family court

32.22A

- (1) Paragraph (2) applies where a notice is given under section 2(6ZC) of the 1958 Act that payments under an order registered in the family court are payable to the family court.
- (2) The notice will be in the form set out in Practice Direction 32A (Form 5) and will be given by the court officer of the family court.
- (3) Paragraph (4) applies where a notice is given under section 2(6ZC) of the 1958 Act that payments under an order registered in the family court have ceased to be payable to the family court.
- (4) The notice will be in the form set out in Practice Direction 32A (Form 6) and will be given by the court officer of the family court.

Method of payment

32.22B

- (1) This rule applies where the family court exercises its duties or powers under section 4A(2) of the 1958 Act to make, revive or vary any means of payment order within the meaning of section 1(7) of the Maintenance Enforcement Act 1991.
- (2) Where the court orders that payments under a registered order are to be made by a particular means –
 - (a) the court will record on a copy of the order the means of payment which the court has ordered; and
 - (b) the court officer will notify, in writing, the person liable to make payments under the order how the payments are to be made.
- (3) Paragraph (4) applies where the court orders that payments be made –
 - (a) by the debtor to the creditor; or
 - (b) by the debtor to the court,by a method falling within section 1(5) of the Maintenance Enforcement Act 1991.
- (4) The court officer will notify the person liable to make payments under the order of sufficient details of the account into which payments should be made to enable payments to be made into that account

Variation of method of payment

32.22C

- (1) The Part 18 procedure applies to an application under section 1(3)(a) of the Maintenance Enforcement Act 1991 received from an interested party for the method of payment to be varied under section 4A of the 1958 Act.
- (2) The court will notify the interested party who made the application and, where practicable, any other interested party, of the result of the application.
- (3) The court will record any variation on a copy of the order.

Notices received from another court or from a person entitled to payments

32.22D

- (1) This rule applies where any notice is received –
 - (a) of the discharge or variation by the High Court of a High Court order registered in the family court;
 - (b) of the discharge or variation by a court in Scotland or Northern Ireland of an order made by such a court and registered in the family court; or
 - (c) under section 5(1) or (2) of the 1958 Act.
- (2) The court officer for the family court will enter details of any such notice in the register.
- (3) In the case of a notice under section 5(1) or (2) of the 1958 Act, the court officer for the family court will ensure that the person in possession of any warrant of commitment, issued but not executed, for the enforcement of the order is informed of the giving of that notice.

.....

Application for the registration of an order made by the High Court or the family court

32.25

.....

- (5) Where paragraph (4) applies –
(a) the court officer must, within 14 days of the decision, notify the applicant of the decision of the court officer in paragraph (4) and the reasons for it; and
(b) the applicant may apply to the court, in private for an order that the documents be sent to the appropriate court.

.....
Revocation and variation of an order made in the High Court or the family court
32.27

.....
V ABILITY OF A COURT OFFICER TO TAKE ENFORCEMENT PROCEEDINGS IN RELATION TO CERTAIN ORDERS FOR PERIODICAL PAYMENTS
Court officers and enforcement proceedings
32.33

- (1) In this rule –
‘the 1972 Act’ means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
‘relevant order’ means –
(a) any order made by the family court for periodical payments, other than an order made by virtue of Part 2 of the 1972 Act;
(b) any order for periodical payments made by the High Court (including an order deemed to be made by the High Court by virtue of section 1(2) of the 1958 Act) and registered under Part 1 of the 1958 Act in the family court; and
(c) an order made by a court in Scotland or in Northern Ireland which is registered in the family court under Part 2 of the 1950 Act; and
‘the payee’ means the person for whose benefit payments under a relevant order are required to be made.
(2) Where –
(a) payments under a relevant order are required to be made periodically to the family court; and
(b) any sums payable under the order are in arrears,
a court officer will, if the payee so requests in writing, and unless it appears to the court officer that it is unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of those sums.
(3) Where payments under a relevant order are required to be made periodically to the court, the payee may, at any time during the period in which the payments are required to be so made, give authority in writing to a court officer for the officer to proceed as mentioned in paragraph (4).
(4) Where authority is given under paragraph (3) to a court officer, that officer will, unless it appears unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of any sums payable to the court under the order in question which, on or after the date of the giving of the authority, fall into arrears.
(5) In any case where –
(a) authority under paragraph (3) has been given to a court officer; and
(b) the payee gives notice in writing to that court officer cancelling the authority,
the authority will cease to have effect and so the court officer will not continue any proceedings already commenced by virtue of the authority.
(6) The payee shall have the same liability for all of the costs properly incurred in, or in relation to, proceedings taken under paragraph (2) at the payee’s request, or under paragraph (3) by virtue of the payee’s authority, including any court fees and any costs incurred as a result of any proceedings commenced not being continued, as if the proceedings had been commenced by the payee.
(7) Nothing in paragraph (2) or (4) shall affect any right of a payee to proceed in his or her own name for the recovery of sums payable under an order of any court.

Part 34 Reciprocal Enforcement of Maintenance Orders

34.1 Scope and interpretation of this Part

- (1) This Part contains rules about the reciprocal enforcement of maintenance orders.
(2) In this Part—
‘the 1920 Act’ means the Maintenance Orders (Facilities for Enforcement) Act 1920;
‘the 1972 Act’ means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
‘the 1982 Act’ means the Civil Jurisdiction and Judgments Act 1982;
‘the 1988 Convention’ means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters done at Lugano on 16th September 1988;
‘the Judgments Regulation’ means Council Regulation (EC) No 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and
‘the Lugano Convention’ means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.
(3) Chapter 1 of this Part relates to the enforcement of maintenance orders in accordance with the 1920 Act.
(4) Chapter 2 of this Part relates to the enforcement of maintenance orders in accordance with [Parts 1 and 2] of the 1972 Act.
(5) Chapter 3 of this Part relates to the enforcement of maintenance orders in accordance with—
(a) the 1982 Act;
(b) the Judgments Regulation; . . .
(c) the Lugano Convention;...
(d) the Maintenance Regulation; and
(e) the 2007 Hague Convention.

.....
34.1

- (1) This Part contains rules about the reciprocal enforcement of maintenance orders.
(2) In this Part –
‘the 1920 Act’ means the Maintenance Orders (Facilities for Enforcement) Act 19201;
‘the 1972 Act’ means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
‘the 1982 Act’ means the Civil Jurisdiction and Judgments Act 1982;
‘the 1988 Convention’ means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters done at Lugano on 16th September 1988;
‘the Judgments Regulation’ means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and
‘the Lugano Convention’ means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.
(3) Chapter 1 of this Part relates to the enforcement of maintenance orders in accordance with the 1920 Act.
(4) Chapter 2 of this Part relates to the enforcement of maintenance orders in accordance with Parts 1 and 2 of the 1972 Act.

.....
34.2 Meaning of prescribed officer in the family court

- (1) For the purposes of the 1920 Act, the prescribed officer in relation to [the family court is the court officer].
(2) For the purposes of Part 1 of the 1972 Act and section 5(2) of the 1982 Act, the prescribed officer in relation to [the family court is the court officer].
(3) For the purposes of an application under Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or under Article 23(2) or (3) of the 2007 Hague Convention for registration of a maintenance order, the prescribed officer in relation to the family court is the court officer.

34.3 Registration of maintenance orders in the family court

Where the family court is required by any of the enactments referred to in rule 34.1(2) or by virtue of the Maintenance Regulation or the 2007 Hague Convention to register a foreign order the court officer must—

- (a) enter . . . a memorandum of the order in the register . . .; and
(b) state on the memorandum the statutory provision or international instrument under which the order is registered.

.....
Payment of sums due under registered orders

34.6

Where an order made by a reciprocating country is registered in the family court under section 1 of the 1920 Act, the court must order payments due to be made to the court.
(Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

34.7

- (1) This rule applies to –
(a) an order made in a reciprocating country which is registered in the family court; and
(b) a provisional order made in a reciprocating country which has been confirmed by the family court.,
where the court has ordered that payments due under the order be made to the court.
(2) The court officer must –
(a) collect the monies due under the order; and
(b) send the monies collected to –
(i) the court in the reciprocating country which made the order; or
(ii) such other person or authority as that court or the Lord Chancellor may from time to time direct.
(3) The court officer may take proceedings in that officer’s own name for enforcing payment of monies due under the order.
(Rule 32.33 makes provision in relation to a court officer taking such proceedings.)

34.8

- (1) This rule applies where a court in a reciprocating country has sent a provisional order to the family court for the purpose of taking further evidence.

.....
Chapter 1

Enforcement of Maintenance Orders Under the Maintenance Orders (Facilities for Enforcement) Act 1920

34.4 Interpretation

.....
Chapter 2

Enforcement of Maintenance Orders Under Part 1 of the 1972 Act

34.12 Interpretation

- (1) In this Chapter—
(a) “reciprocating country” means a country to which Part 1 of the 1972 Act extends; and
(b) ‘relevant court in the reciprocating country’ means, as the case may be—
(i) the court which made the order which has been sent to England and Wales for confirmation;
(ii) the court which made the order which has been registered in a court in England and Wales;
(iii) the court to which an order made in England and Wales has been sent for registration; or
(iv) the court to which a provisional order made in England and Wales has been sent for confirmation.
(2) In this Chapter, an expression defined in the 1972 Act has the meaning given to it in that Act.
(3) In this Chapter, “Hague Convention Countries” means the countries listed in Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993.

34.13 Scope

- (1) Section 1 of this Chapter contains rules relating to the reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act.
 - (2) Section 2 of this Chapter modifies the rules contained in Section 1 of this Chapter in their application to—
 - (a) . . .
 - (b) the Hague Convention Countries; and
 - (c) the United States of America.
 - (3) Section 3 of this Chapter contains a rule in relation to notification of proceedings in a Hague Convention Country or the United States of America.
 - (4) Section 4 of this Chapter contains rules in relation to proceedings under Part 2 of the 1972 Act (reciprocal enforcement of claims for the recovery of maintenance).
- (Practice Direction 34A sets out in full the rules for . . . the Hague Convention Countries and the United States of America as modified by Section 2 of this Chapter.)

Section 1

Reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act

34.14 Application for transmission of maintenance order to reciprocating country

An application for a maintenance order to be sent to a reciprocating country under section 2 of the 1972 Act must be made in accordance with Practice Direction 34A.

34.15 Certification of evidence given on provisional orders

A document setting out or summarising evidence is authenticated by a court in England and Wales by a certificate signed, by the judge before whom that evidence was given.
(Section 3(5)(b), 5(4) and 9(5) of the 1972 Act require a document to be authenticated by the court.)

34.16 Confirmation of a provisional order made in a reciprocating country

- (1) This rule applies to proceedings for the confirmation of a provisional order made in a reciprocating country, including proceedings in the family court for the confirmation of a provisional order made in a reciprocating country varying a maintenance order to which section 5(5) or 9(6) of the 1972 Act applies.
 - (2) Paragraph (3) applies on receipt by the court of—
 - (a) a certified copy of the order; and
 - (b) the documents required by the 1972 Act to accompany the order.
 - (3) On receipt of the documents referred to in paragraph (2)—
 - (a) the court must fix the date, time and place for a hearing or a directions appointment; and
 - (b) the court officer must send to the payer notice of the date, time and place fixed together with a copy of the order and accompanying documents.
 - (4) The date fixed for the hearing must be not less than 21 days beginning with the date on which the court officer sent the documents to the payer in accordance with paragraph (2).
 - (5) The court officer will send to the relevant court in the reciprocating country a certified copy of any order confirming or refusing to confirm the provisional order.
 - (6) . . .
- (Section 5(5) and 7 of the 1972 Act provide for proceedings for the confirmation of a provisional order.)
- . . .

Consideration of revocation of a provisional order made by the family court

34.17

- (1) This rule applies where—
 - (a) the family court has made a provisional order by virtue of section 3 of the 1972 Act;
 - (b) before the order is confirmed, evidence is taken by the court or received by it as set out in section 5(9) of the 1972 Act; and
 - (c) on consideration of the evidence the court considers that the order ought not to have been made.
- (Section 5(9) of the 1972 Act provides that the family court may revoke a provisional order made by it, before the order has been confirmed in a reciprocating country, if it receives new evidence.)

.....
(Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

34.17 Consideration of revocation of a provisional order made by the family court

- (1) This rule applies where—
 - (a) [the family court] has made a provisional order by virtue of section 3 of the 1972 Act;
 - (b) before the order is confirmed, evidence is taken by the court or received by it as set out in section 5(9) of the 1972 Act; and
 - (c) on consideration of the evidence the court considers that the order ought not to have been made.
- (Section 5(9) of the 1972 Act provides that the family court may revoke a provisional order made by it, before the order has been confirmed in a reciprocating country, if it receives new evidence)
- (2) The court officer must serve on the person who applied for the provisional order (“the applicant”) a notice which must—
 - (a) set out the evidence taken or received by the court;
 - (b) inform the applicant that the court considers that the order ought not to have been made; and
 - (c) inform the applicant that the applicant may—
 - (i) make representations in relation to that evidence either orally or in writing; and
 - (ii) adduce further evidence.
 - (3) If an applicant wishes to adduce further evidence—
 - (a) the applicant must notify the court officer at the court which made the order;
 - (b) the court will fix a date for the hearing of the evidence; and
 - (c) the court officer will notify the applicant in writing of the date fixed.

34.18 Notification of variation or revocation of a maintenance order by the High Court or the family court

- (1) This rule applies where—
 - (a) a maintenance order has been sent to a reciprocating country in pursuance of section 2 of the 1972 Act; and
 - (b) the court makes an order, not being a provisional order, varying or revoking that order.
 - (2) The court officer must send a certified copy of the order of variation or revocation to the relevant court in the reciprocating country.
- (Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

34.19 Notification of confirmation variation or revocation of a maintenance order by the family court

- (1) This rule applies where the family court makes an order—
 - (a) not being a provisional order, revoking or varying a maintenance order to which section 5 of the 1972 Act applies;
 - (b) under section 9 of the 1972 Act, revoking or varying a registered order; or
 - (c) under section 7(2) of the 1972 Act, confirming an order to which section 7 of that Act applies.
 - (2) The court officer must send written notice of the making, variation, revocation or confirmation of the order, as appropriate, to the relevant court in the reciprocating country.
 - (3) . . .
- (Section 5 of the 1972 Act applies to a provisional order made by the family court in accordance with section 3 of that Act which has been confirmed by a court in a reciprocating country.)
- . . .
- (Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

34.20 Taking of evidence for court in reciprocating country

- (1) This rule applies where a request is made by or on behalf of a court in a reciprocating country for the taking of evidence for the purpose of proceedings relating to a maintenance order to which Part 1 of the 1972 Act applies.
(Section 14 of the 1972 Act makes provision for the taking of evidence needed for the purpose of certain proceedings.)
 - (2) The High Court has power to take the evidence where—
 - (a) the request for evidence relates to a maintenance order made by a superior court in the United Kingdom; and
 - (b) the witness resides in England and Wales.
 - (3) The family court has power to take evidence where—
 - (a) the request for evidence relates to a maintenance order—
 - (i) made by the family court; or
 - (ii) registered in the family court; or
 - (b) the Lord Chancellor sends to the family court a request to take evidence.
- (Practice Direction 34E makes further provision on this matter)
- (4) Omitted
 - (5) Omitted
 - (6) The evidence is to be taken in accordance with Part 22.

34.21 Request for the taking of evidence by a court in a reciprocating country

- (1) This rule applies where a request is made by [the family court] for the taking of evidence in a reciprocating country in accordance with section 14(5) of the 1972 Act.
 - (2) The request must be made in writing to the court in the reciprocating country.
- (Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

34.22 Transmission of documents

- (1) This rule applies to any document, including a notice or request, which is required to be sent to a court in a reciprocating country by—

- (a) Part 1 of the 1972 Act; or
 - (b) Section 1 of Chapter 2 of this Part of these rules.
- (2) The document must be sent to the Lord Chancellor for transmission to the court in the reciprocating country.

34.23 Method of payment under registered orders

- (1) Where an order is registered in the family court in accordance with section 6(3) of the 1972 Act, the court must order that the payment of sums due under the order be made—
- (a) to the . . . registering court; and
 - (b) at such time and place as the court officer directs.

(Section 6(3) of the 1972 Act makes provision for the registration of maintenance orders made in a reciprocating country.)

- (2) Where the court orders payments to be made [to the court], whether in accordance with paragraph (1) or otherwise, the court officer must send the payments—

- (a) by post to either—
 - (i) the court which made the order; or
 - (ii) such other person or authority as that court, or the Lord Chancellor, directs; or
- (b) if the court which made the order is a country or territory specified in the Practice Direction 34A—
 - (i) to the Crown Agents for Overseas Governments and Administrations for transmission to the person to whom they are due; or
 - (ii) as the Lord Chancellor directs.

(Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

34.24 Enforcement of payments under registered orders

- (1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the court . . .
- (2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.
- (3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.
- (4) The court officer, on that officer's own initiative—

- (a) may; or
- (b) if the sums due are more than 4 weeks in arrears, must, proceed in that officer's own name for the recovery of the sums due unless of the view that it is unreasonable to do so.

34.25 Notification of registration and cancellation

- (1) The court officer must send written notice to the Lord Chancellor of the due registration of orders registered in accordance with section 6(3), 7(5), or 10(4) of the 1972 Act.
- (2) The court officer must, when registering an order in accordance with section 6(3), 7(5), 9(10), 10(4) or (5) or 23(3) of the 1972 Act, send written notice to the payer stating—
 - (a) that the order has been registered;
 - (b) that payments under the order should be made to the court officer; and
 - (c) the hours during which and the place at which the payments should be made.
- (3) The court officer must, when cancelling the registration of an order in accordance with section 10(1) of the 1972 Act, send written notice of the cancellation to the payer.

Hague Convention Countries

34.26 Omitted

34.27 Application of Section 1 of this Chapter to the Hague Convention Countries

- (1) In relation to the Hague Convention Countries, Section 1 of this Chapter has effect as modified by this rule.
- (2) A reference in this rule, and in any rule which has effect in relation to the Hague Convention Countries by virtue of this rule to—
 - (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993; and
 - (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.
- (3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to a Hague Convention Country.
- (4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation, variation or revocation of a maintenance order by the family court) and 34.21 (request for the taking of evidence by a court in a reciprocating country) do not apply.
- (5) For rule 34.17 (consideration of revocation of a provisional order made by the family court) substitute—

"34.17 Consideration of variation or revocation of a maintenance order made by the family court

- (1) This rule applies where—
 - (a) an application has been made to [the family court by a payee for the variation or revocation] of an order to which section 5 of the 1972 Act applies; and
 - (b) the payer resides in a Hague Convention Country.
- (2) The court officer must serve on the payee, by post, a copy of any representations or evidence adduced by or on behalf of the payer.

. . .".

- (6) For rule 34.18 (notification of variation or revocation of a maintenance order by the High Court or the family court) substitute—

"34.18 Notification of variation or revocation of a maintenance order by the High Court or the family court

- (1) This rule applies if the High Court or the family court makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies.
- (2) If the time for appealing has expired without an appeal having been entered, the court officer will send to the Lord Chancellor—
 - (a) the documents required by section 5(8) of the 1972 Act; and
 - (b) a certificate signed by a judge stating that the order of variation or revocation is enforceable and no longer subject to the ordinary forms of review.
- (3) A party who enters an appeal against the order of variation or revocation must, at the same time, give written notice to the court officer."
- (7) For rule 34.23(2) (method of payment under registered orders) substitute—

- "(2) Where the court orders payment to be made to the court, the court officer must send the payments by post to the payee under the order."

- (8) For rule 34.25 (notification of registration and cancellation) substitute—

"34.25 Notification of registration and cancellation

The court officer must send written notice to—

- (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; and
- (b) the payer under the order, on—
 - (i) the registration of an order under section 10(4) of the 1972 Act; or
 - (ii) the cancellation of the registration of an order under section 10(1) of the 1972 Act."

- (9) After rule 34.25 insert—

"34.25A General provisions as to notices

- (1) A notice to a payer of the registration of an order in [the family court] in accordance with section 6(3) of the 1972 Act must be in the form referred to in a practice direction.

(Section 6(8) of the 1972 Act requires notice of registration to be given to the payer.)

- (2) If the court sets aside the registration of a maintenance order following an appeal under section 6(9) of the 1972 Act, the court officer must send written notice of the decision to the Lord Chancellor.

- (3) A notice to a payee that the court officer has refused to register an order must be in the form referred to in a practice direction.

(Section 6(11) of the 1972 Act requires notice of refusal of registration to be given to the payee.)

- (4) Where, under any provision of Part 1 of the 1972 Act, a court officer serves a notice on a payer who resides in a Hague Convention Country, the court officer must send to the Lord Chancellor a certificate of service."

United States of America

34.28 Application of Section 1 of this Chapter to the United States of America

- (1) In relation to the United States of America, Section 1 of this Chapter has effect as modified by this rule.
- (2) A reference in this rule and in any rule which has effect in relation to the United States of America by virtue of this rule to—
 - (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007; and
 - (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.
- (3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to the United States of America.
- (4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation, variation or revocation of a maintenance order made by the family court) and 34.21 (request for the taking of evidence in a reciprocating country) do not apply.
- (5) For rule 34.17 (consideration of revocation of a provisional order made by the family court) substitute—

"34.17 Consideration of variation or revocation of a maintenance order made by the family court

- (1) This rule applies where—
 - (a) an application has been made to [the family court by a payee for the variation or revocation of an order to which section 5 of the 1972 Act applies; and
 - (b) the payer resides in the United States of America.
- (2) The court officer must serve on the payee by post a copy of any representations or evidence adduced by or on behalf of the payer.

. . .".

- (6) For rule 34.18 (notification of variation or revocation), substitute—

"34.18 Notification of variation or revocation

If the High Court or the family court makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies, the court officer will send to the Lord Chancellor the documents required by section 5(7) of that Act."

- (7) For 34.23(2)(method of payment under registered orders) substitute—

- "(2) Where the court orders payment to be made to the court, the court officer must send the payments by post to the payee under the order."

- (8) For rule 34.25 (notification of registration and cancellation) substitute—

“34.25 Notification of registration and cancellation

The court officer must send written notice to—

- (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; or
- (b) the payer under the order, on—
- (i) the registration of an order under section 10(4) of the 1972 Act; or
- (ii) the cancellation of the registration of an order under section 10(1) of that Act.”

Section 3

Proceedings in a Hague Convention Country or in the United States of America

34.282A Notification of proceedings in a Hague Convention Country or in the United States of America

Practice Direction 34E applies where the court officer receives from the Lord Chancellor notice of the institution of proceedings, including notice of the substance of a claim, in a Hague Convention Country or in the United States of America in relation to the making, variation or revocation of a maintenance order.

Section 4

Reciprocal enforcement of claims for the recovery of maintenance

34.282B Interpretation

In this Section—

“convention country” means a country or territory specified in an Order in Council made under section 25 of the 1972 Act; and an expression defined in the 1972 Act has the meaning given to it in that Act.

34.282C Dismissal of an application under section 27A of the 1972 Act or application for variation

- (1) Where the family court dismisses an application under—
 - (a) section 27A of the 1972 Act (application for recovery of maintenance); or
 - (b) an application by a person in a convention country for the variation of a registered order,
- the court officer will send a written notice of the court's decision to the Lord Chancellor.
- (2) The notice will include a statement of the court's reasons for its decision.

34.282D Application for recovery of maintenance in England and Wales: section 27B of the 1972 Act

- (1) Where the family court receives an application for the recovery of maintenance sent from the Lord Chancellor under section 27B of the 1972 Act, the court will—
- (a) fix the date, time and place for a hearing or directions appointment, allowing sufficient time for service under this rule to be effected at least 21 days before the date fixed; and
- (b) serve copies of the application and any accompanying documents, together with a notice stating the date, time and place so fixed, on the respondent.
- (2) Within 14 days of service under this rule, the respondent must file an answer to the application in the form referred to in Practice Direction 5A.

34.282E Application under section 26(1) or (2) of the 1972 Act and certificate under section 26(3A) of the 1972 Act: registration

Where—

- (a) an application under section 26(1) or (2) of the 1972 Act; or
- (b) a certificate under section 26(3A) of the 1972 Act,

is required to be registered in the family court by virtue of the Recovery of Maintenance (United States of America) Order 2007, the court officer will enter a minute or memorandum of the application or certificate in the register.

34.282F Registration of an order: sections 27C(7) and 32(3) and (6) of the 1972 Act

- (1) Where the family court makes an order which is required under section 27C(7) of the 1972 Act to be registered, the court officer will enter a minute or memorandum of the order in the register.
- (2) Where a court officer receives under section 32(3) of the 1972 Act a certified copy of an order, the court officer will register the order by means of a minute or memorandum in the register.
- (3) Every minute or memorandum entered under paragraph (1) or (2) will specify the section and subsection of the 1972 Act under which the order in question is registered.
- (4) Where a court officer registers an order as required by section 27C(7) or 32(3) of the 1972 Act, the court officer will send written notice to the Lord Chancellor that the order has been registered.
- (5) Where a court officer is required by section 32(6) of the 1972 Act to give notice of the registration of an order, the court officer will do this by sending written notice to the officer specified in that subsection that the order has been registered.

34.282G Payments made to the family court

- (1) Where payments are made to the family court by virtue of section 27C or 34A of the 1972 Act, the court officer will send those payments by post to such person or authority as the Lord Chancellor may from time to time direct.
 - (2) Subject to paragraph (3), if it appears to a court officer that any sums payable under a registered order are in arrears, the officer may proceed in the officer's own name for the recovery of those sums.
 - (3) Where it appears to the officer that sums payable under the order are in arrears to an amount equal—
 - (a) in the case of payments to be made monthly or less frequently, to twice the sum payable periodically; or
 - (b) in any other case, to four times the sum payable periodically,
- the officer will proceed in the officer's own name for the recovery of those sums, unless it appears to the officer that it is unreasonable in the circumstances to do so.

34.282H Method of payment

- (1) This rule applies where the family court exercises its duties or powers under section 27C or 34A of the 1972 Act.
- (2) Where the court orders that payments under the order are to be made by a particular means—
- (a) the court will record on the copy of the order the means of payment that the court has ordered; and
- (b) the court officer will, as soon as practicable, notify, in writing, the person liable to make the payments under the order how payments are to be made.
- (3) Paragraph (4) applies where the court orders that payments be made to the court by a method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991.
- (4) The court officer will notify the person liable to make the payments under the order of sufficient details of the account into which the payments should be made to enable payments to be made into that account.

34.282I Application under section 34 of the 1972 Act: variation or revocation

- (1) This rule applies in relation to an application under section 34 of the 1972 Act for the variation or revocation of a registered order.
- (2) An application which is made directly to the registering court must be filed in the form referred to in Practice Direction 5A.
- (3) Where the court receives an application, either filed in accordance with paragraph (2) or sent from the Lord Chancellor under section 34(3) of the 1972 Act—
- (a) the court will set the date, time and place for a hearing or directions appointment; and
- (b) the court officer will notify the applicant of the date, time and place.

34.282J Application under section 35 of the 1972 Act: variation or revocation

- (1) This rule applies in relation to an application under section 35 of the 1972 Act for the variation or revocation of a registered order.
- (2) Notice under section 35(3)(b) of the 1972 Act of the time and place appointed for the hearing of the application will be in the form specified in Practice Direction 34D.
- (3) The court officer will send the notice by post to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the respondent is residing.
- (4) The time appointed for the hearing of the application will not be less than six weeks later than the date on which the notice is sent to the Lord Chancellor.

34.282K Request under section 38(1) of the 1972 Act to the family court

- (1) This rule applies where the family court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act (taking evidence at the request of a court in a convention country) to take the evidence of any person.
- (2) Subject to paragraph (3)—
- (a) the evidence will be taken in the same manner as if the person concerned were a witness in family proceedings;
- (b) any oral evidence so taken will be put into writing and read to the person who gave it, who must sign the document; and
- (c) the judge who takes any such evidence of any person will certify at the foot of the document setting out the evidence of, or produced in evidence by, that person that such evidence was taken, or document received in evidence, as the case may be, by that judge.
- (3) Where the request referred to in section 38(2) of the 1972 Act includes a request that the evidence be taken in a particular manner, the court by which the evidence is taken will, so far as circumstances permit, comply with that request.

34.282L Request under section 38(1) of the 1972 Act to the officer of the court

- (1) This rule applies where an officer of the court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act to take the evidence of any person.
- (2) Subject to paragraph (3)—
- (a) the person whose evidence is to be taken will be examined on oath by or before a justices' clerk or any other court officer determined by the Lord Chancellor;
- (b) any oral evidence will be put into writing and read to the person who gave it, who must sign the document; and
- (c) the justices' clerk or other officer will certify at the foot of the document setting out the evidence of, or produced by, that person, that such evidence was taken, or document received in evidence, as the case may be, by that justices' clerk or other officer.
- (3) Where the request referred to in section 38(1) of the 1972 Act includes a request that the evidence be taken in a particular manner, the justices' clerk or other officer by whom the evidence is taken will, so far as circumstances permit, comply with that request.
- (4) For the purposes of this rule, the justices' clerk or other officer has the same power to administer oaths as a single justice of the peace.

34.282M Onward transmission of documents

Any document mentioned in rule 34.282K(2)(c) or rule 34.282L(2)(c) will be sent to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the request referred to in section 38(1) of the 1972 Act originated.

34.28A Application of this Chapter

- (1) In this Chapter—
 - (a) references to a maintenance order include—
 - (i) a decision, a court settlement or an authentic instrument within the meaning of Article 2 of the Maintenance Regulation where that Regulation applies;
 - (ii) a maintenance decision to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1) of that Convention;
 - (iii) a maintenance arrangement (as defined in Article 3(e) of the 2007 Hague Convention) which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of that Convention;
 - (b) references to the Hague Protocol are to the Protocol on the Law Applicable to Maintenance Obligations done at The Hague on 23 November 2007;
 - (c) “the 1968 Convention” has the meaning given in the 1982 Act.
- (2) In relation to the Maintenance Regulation—
 - (a) Section 1 applies to maintenance orders to which Sections 2 and 3 of Chapter IV of the Maintenance Regulation apply (decisions given in a Member State which does not apply the rules of the Hague Protocol, that is, Denmark, and decisions to which Sections 2 and 3 of Chapter IV of that Regulation apply by virtue of Article 75(2)(a) or (b));
 - (b) Section 2 applies to all maintenance orders made in a magistrates’ court in England and Wales for which reciprocal enforcement is sought in any Member State of the European Union, including Denmark.

...

Section 1

Registration and Enforcement in a Magistrates’ Court of Maintenance Orders made in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention, a Regulation State, a State bound by the 2007 Hague Convention other than a Member State of the European Union or a State bound by the Lugano Convention

34.29 Interpretation

In this Section—

- (a) an expression defined in the 1982 Act has the meaning given to it in that Act, subject to paragraph (b); and
- (b) “Regulation State” means a Member State of the European Union which does not apply the rules of the Hague Protocol, or, where registration is sought for a maintenance order to which Article 75(2)(a) or (b) of the Maintenance Regulation applies, the Member State of the European Union from which the order originated.

34.29A Omitted

34.30 Registration of maintenance orders

- (1) ...
- (2) This rule and Practice Direction 34E apply where the family court receives—
 - (a) an application under Article 31 of the 1968 Convention for the enforcement of a maintenance order made in a Contracting State other than the United Kingdom;
 - (b) an application under Article 31 of the 1988 Convention for the enforcement of a maintenance order made in a State bound by the 1988 Convention other than a Member State of the European Union;
 - (c) an application under Article 26 of the Maintenance Regulation for a declaration of enforceability of a maintenance order made in a Regulation State other than the United Kingdom; ...
 - (d) an application under Article 38 of the Lugano Convention for the enforcement of a maintenance order made in a State bound by the Lugano Convention other than a Member State of the European Union; or
 - (e) an application under Article 23 of the 2007 Hague Convention for registration of a maintenance order made in a State bound by that Convention other than a Member State of the European Union.
- (3) ...
- (4) ...
- (5) ...
- (6) Except where Practice Direction 34E provides otherwise, the court must register the order unless—
 - (a) in the case of an application under Article 31 of the 1968 Convention, Articles 27 or 28 of that Convention apply; ...
 - (b) in the case of an application under Article 31 of the 1988 Convention, Articles 27 or 28 of that Convention apply; and
 - (c) in the case of an application under Article 23(2) or (3) of the 2007 Hague Convention, Article 22(a) of that Convention applies.
- (7) If the court ... refuses to register an order to which this rule relates the court officer must notify the applicant.
- (8) If the court ... registers an order the court officer must send written notice of that fact to—
 - (a) the Lord Chancellor;
 - (b) the payer; and
 - (c) the applicant.
- (9) ...

34.31 Appeal from a decision relating to registration

- (1) This rule applies to an appeal under—
 - (a) Article 36 or Article 40 of the 1968 Convention;
 - (b) Article 36 or Article 40 of the 1988 Convention;
 - (c) Article 32 of the Maintenance Regulation; ...
 - (d) Article 43 of the Lugano Convention; or
 - (e) Article 23(5) of the 2007 Hague Convention.
- (2) The appeal must be to the family court.

(Practice Direction 34E makes provision in relation to such cases.)

34.32 Payment of sums due under a registered order

- (1) Where an order is registered in accordance with section 5(3) of the 1982 Act, Article 38 of the Judgments Regulation, Article 38 of the Lugano Convention or Article 23 of the 2007 Hague Convention or declared enforceable under Article 26 of the Maintenance Regulation by virtue of registration, the court may order that payment of sums due under the order be made to the court, at such time and place as directed.
 - (2) Where the court orders payments to be made to the court ..., whether in accordance with paragraph (1) or otherwise, the court officer must send the payments by post either—
 - (a) to the court which made the order; or
 - (b) to such other person or authority as that court, or the Lord Chancellor, directs.
- (Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

34.33 Enforcement of payments under registered orders

- (1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the family court.
 - (2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.
 - (3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.
 - (4) The court officer, on that officer’s own initiative—
 - (a) may; or
 - (b) if the sums due are more than 4 weeks in arrears, must,
- proceed in that officer’s own name for the recovery of the sums due unless of the view that it is unreasonable to do so.

34.34 Variation and revocation of registered orders

- (1) This rule applies where the court officer for a registering court receives notice that a registered maintenance order has been varied or revoked by a competent court in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention (other than a Member State of the European Union), a Regulation State or a State bound by the Lugano Convention or by the 2007 Hague Convention, other than a Member State of the European Union.
- (2) The court officer for the registering court must—
 - (a) register the order of variation or revocation; and
 - (b) send notice of the registration by post to the payer and payee under the order.
- (3) Where the court officer for a registering court receives notice that a maintenance order registered in that court by virtue of the provisions of the Judgments Regulation has been varied or revoked by a competent court in another Member State of the European Union, the court officer must—
 - (a) note against the entry in the register that the original order so registered has been varied or revoked, as the case may be; and
 - (b) send notice of the noting of the variation or revocation, as the case may be, by post to the payer and payee under the order.

34.35 Registered order: payer residing in an area covered by a different Maintenance Enforcement Business Centre

Practice Direction 34E makes provision for cases where a court officer in the Maintenance Enforcement Business Centre for the Designated Family Judge area where an order is registered considers that the payer is residing in a Designated Family Judge area covered by a different Maintenance Enforcement Business Centre.

(For the way in which information will be provided to enable Maintenance Enforcement Business Centres to be identified, see Practice Direction 34E.)

34.36 Cancellation of registered orders

- (1) Where the court officer for the registering court—
 - (a) has no reason to send papers to another Maintenance Enforcement Business Centre under Practice Direction 34E; and
 - (b) considers that the payer under the registered order is not residing within the area covered by the Maintenance Enforcement Business Centre for the Designated Family Judge area where the order is registered and has no assets in England and Wales,the court officer must cancel the registration.
- (2) The court officer must—
 - (a) give notice of cancellation to the payee; and
 - (b) send to the Lord Chancellor—
 - (i) the information and documents relating to the registration;
 - (ii) a certificate of arrears, if applicable, signed by the court officer;

- (iii) a statement giving such information as the court officer possesses as to the whereabouts of the payer and the nature and location of the payer's assets; and
 - (iv) any other relevant documents which the court officer has relating to the case.
- (Practice Direction 34E makes further provision on this matter.)

34.36A Directions as to stays, documents and translations

At any stage in proceedings for registration of a maintenance order under this Section of this Chapter, the court may give directions about the conduct of the proceedings, including—

- (a) staying of proceedings in accordance with—
 - (i) Article 30 or 38 of the 1968 Convention,
 - (ii) Article 30 or 38 of the 1988 Convention,
 - (iii) Article 37 or 46 of the Lugano Convention, . . .
 - (iv) Article 25 or 35 of the Maintenance Regulation, or
 - (v) Article 30(6) of the 2007 Hague Convention;
- (b) the provision of documents in accordance with—
 - (i) Article 48 of the 1968 Convention,
 - (ii) Article 48 of the 1988 Convention,
 - (iii) Article 55 of the Lugano Convention, . . .
 - (iv) Article 29 of the Maintenance Regulation, or
 - (v) Article 25 or 30 of the 2007 Hague Convention;
- (c) the provision of translations in accordance with—
 - (i) Article 48 of the 1968 Convention,
 - (ii) Article 48 of the 1988 Convention,
 - (iii) Article 55 of the Lugano Convention, . . .
 - (iv) Article 28 of the Maintenance Regulation[, or
 - (v) in relation to an application under this Section relating to the 2007 Hague Convention, without prejudice to Article 44 of that Convention.

34.36B International Maintenance Obligations; Communication with the Central Authority for England and Wales

(1) Where the Lord Chancellor requests information or a document from the court officer for the relevant court for the purposes of Article 58 of the Maintenance Regulation, or Article 12 or 25(2) of the 2007 Hague Convention, the court officer shall provide the requested information or document to the Lord Chancellor forthwith.

(2) In this rule, “relevant court” means the court at which an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention has been filed.

The Lord Chancellor is the Central Authority for the 2007 Hague Convention and the Maintenance Regulation

34.36C The Maintenance Regulation: applications for enforcement or for refusal or suspension of enforcement

Practice Direction 34E makes provision regarding—

- (a) an application for enforcement of a maintenance decision to which section 1 of Chapter IV of the Maintenance Regulation applies; and
- (b) an application by a debtor under Article 21 of the Maintenance Regulation for refusal or suspension of enforcement.

Section 2

Reciprocal enforcement in a Contracting State or a Member State of the European Union of Orders of a court in England and Wales

34.38 Admissibility of Documents

(1) This rule applies to a document, referred to in paragraph (2) and authenticated in accordance with paragraph (3), which comprises, records or summarises evidence given in, or information relating to, proceedings in a court in another part of the UK, another Contracting State to the 1968 Convention or the 1988 Convention, Member State of the European Union or State bound by the Lugano Convention, or by the 2007 Hague Convention, and any reference in this rule to “the court”, without more, is a reference to that court.

(2) The documents referred to at paragraph (1) are documents which purport to—

- (a) set out or summarise evidence given [to] the court;
- (b) have been received in evidence [to] the court;
- (c) set out or summarise evidence taken in the court for the purpose of proceedings in a court in England and Wales to which the 1968 Act, the Judgments Regulation, the Maintenance Regulation or the 2007 Hague Convention applies; or
- (d) record information relating to payments made under an order of the court.

(3) A document to which paragraph (1) applies shall, in any proceedings in the family court relating to a maintenance order to which the 1968 Act, the Judgments Regulation, the Maintenance Regulation or the 2007 Hague Convention applies, be admissible as evidence of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

(4) A document to which paragraph (1) applies shall be deemed to be authenticated—

- (a) in relation to the documents listed at paragraph 2(a) or (c), if the document purports to be—
 - (i) certified by the judge or official before whom the evidence was given or taken; or
 - (ii) the original document recording or summarising the evidence, or a true copy of that document;
- (b) in relation to a document listed at paragraph (2)(b), if the document purports to be certified by a judge or official of the court to be, or to be a true copy of, the document received in evidence; and
- (c) in relation to the document listed at paragraph (2)(d), if the document purports to be certified by a judge or official of the court as a true record of the payments made under the order.

(5) It shall not be necessary in any proceedings in which evidence is to be received under this rule to prove the signature or official position of the person appearing to have given the certificate referred to in paragraph (4).

(6) Nothing in this rule shall prejudice the admission in evidence of any document which is admissible in evidence apart from this rule.

(7) Any request by [the family court for] the taking or providing of evidence by a court in a State listed in paragraph (8) for the purposes of proceedings to which an instrument listed in that paragraph applies, or by a court in another part of the United Kingdom, shall be communicated in writing to the court in question.

(8) The States and instruments referred to in paragraph (7) are—

- (a) a Contracting State to the 1968 Convention;
- (b) a Contracting State to the 1988 Convention;
- (c) a State bound by the Lugano Convention;
- (d) Denmark, in relation to proceedings to which the Maintenance Regulation applies;
- (e) a State bound by the 2007 Hague Convention.

but this paragraph and paragraph (7) do not apply where the State in question is a Member State of the European Union to which the Taking of Evidence Regulation (as defined in rule 24.15) applies.

(Chapter 2 of Part 24 makes provision for taking of evidence by a court in another Member State of the European Union).

34.39 Enforcement of orders of the family court

(1) A person who wishes to enforce a maintenance order obtained in the family court in a State to which paragraph (2) applies must apply for a certified copy of the order and, where required by Practice Direction 34A, a certificate giving particulars relating to the judgment and proceedings in which it was given.

(2) The States referred to in paragraph (1) are—

- (a) a Contracting State to the 1968 Convention;
- (b) a Contracting State to the 1988 Convention (other than a Member State of the European Union);
- (c) a Member State of the European Union;
- (d) a State bound by the Lugano Convention (other than a Member State of the European Union); or
- (e) a State bound by the 2007 Hague Convention (other than a Member State of the European Union).

(3) An application under this rule must be made in writing to the court officer and must specify—

- (a) the names of the parties to the proceedings;
- (b) the date, or approximate date, of the proceedings in which the maintenance order was made and the nature of those proceedings;
- (c) the 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.

(4) The court officer must, on receipt of the application, send a copy of the order to the applicant certified in accordance with . . . practice direction 34A, together with a copy of any certificate required by that practice direction.

(5) Paragraph (6) applies where—

- (a) a maintenance order is registered in the family court; and
- (b) a person wishes to obtain a certificate giving details of any payments made or arrears accrued under the order while it has been registered, for the purposes of an application made or to be made in connection with that order in—
 - (i) another Contracting State to the 1968 Convention;
 - (ii) another Contracting State to the 1988 Convention (other than a Member State of the European Union);
 - (iii) another Member State of the European Union;
 - (iv) another State bound by the Lugano Convention (other than a Member State of the European Union); . . .
 - (v) another part of the United Kingdom; or
 - (vi) another State bound by the 2007 Hague Convention (other than a Member State of the European Union).

(6) The person wishing to obtain the certificate referred to in paragraph (5) may make a written application to the court officer for the registering court.

(7) On receipt of an application under paragraph (6) the court officer must send to the applicant a certificate giving the information requested.

(Rule 74.12 (application for certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to the application for a certified copy of a judgment obtained in the High Court or a county court.)

34.40 Enforcement of orders of the High Court or the family court

(1) This rule applies where a person wishes to enforce a maintenance order obtained in the High Court or [the family court] in a Member State of the European Union or a State bound by the 2007 Hague Convention (other than a Member State of the European Union).

(2) Subject to the requirements of Practice Direction 34A, rules 74.12 (application for a certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to—

- (a) an application under Article 40(2) of the Maintenance Regulation for a certified copy of a judgment and an extract relating to that judgment in the form of Annex II to that Regulation;

- (b) an application for a certified copy of a judgment and a certificate giving particulars relating to the judgment and the proceedings in which it was given.

Part 35 Mediation Directive

35.1 Scope and Interpretation

- (1) This Part applies to mediated cross-border disputes that are subject to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters ("the Mediation Directive").
- (2) In this Part—
- "cross-border dispute" has the meaning given by article 2 of the Mediation Directive;
- "mediation" has the meaning given by article 3(a) of the Mediation Directive;
- "mediation administrator" means a person involved in the administration of the mediation process;
- "mediation evidence" means evidence regarding information arising out of or in connection with a mediation process;
- "mediator" has the meaning given by article 3(b) of the Mediation Directive; and
- "relevant dispute" means a cross-border dispute that is subject to the Mediation Directive.

35.2 Relevant disputes: applications for consent orders in respect of financial remedies

- (1) This rule applies in relation to proceedings for a financial remedy where the applicant, with the explicit consent of the respondent, wishes to make an application that the content of a written agreement resulting from mediation of a relevant dispute be made enforceable by being made the subject of a consent order.
- (2) The court will not include in a consent order any matter which is contrary to the law of England and Wales or which is not enforceable under that law.
- (3) The applicant must file two copies of a draft of the order in the terms sought.
- (4) Subject to paragraph (5), the application must be supported by evidence of the explicit consent of the respondent.
- (5) Where the respondent has written to the court consenting to the making of the order sought, the respondent is deemed to have given explicit consent to the order and paragraph (4) does not apply.
- (6) Paragraphs (1)(b) and (2) to (6) of rule 9.26 apply to an application to which this rule applies.

35.3 Mediation evidence: disclosure and inspection

- (1) Where a party to proceedings seeks disclosure or inspection of mediation evidence that is in the control of a mediator or mediation administrator, that party must first obtain the court's permission to seek the disclosure or inspection, by an application made in accordance with Part 18.
- (2) The mediator or mediation administrator who has control of the mediation evidence must be named as a respondent to the application and must be served with a copy of the application notice.
- (3) Evidence in support of the application must include evidence that—
- (a) all parties to the mediation agree to the disclosure or inspection of the mediation evidence;
- (b) disclosure or inspection of the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(a) of the Mediation Directive; or
- (c) the disclosure of the content of an agreement resulting from mediation is necessary to implement or enforce that agreement.
- (4) Where this rule applies, Parts 21 to 24 apply to the extent they are consistent with this rule.

35.4 Mediation evidence: witnesses and depositions

- (1) This rule applies where a party wishes to obtain mediation evidence from a mediator or mediation administrator by—
- (a) a witness summons;
- (b) cross-examination with permission of the court under rule 22.8 or 23.4;
- (c) an order under rule 24.7 (evidence by deposition);
- (d) an order under rule 24.9 (enforcing attendance of witness);
- (e) an order under rule 24.10(4) (deponent's evidence to be given orally); or
- (f) an order under rule 24.12 (order for the issue of a letter of request).
- (2) When applying for a witness summons, permission under rule 22.8 or 23.4 or order under rule 24.7, 24.9, 24.10(4) or 24.12, the party must provide the court with evidence that—
- (a) all parties to the mediation agree to the obtaining of the mediation evidence;
- (b) obtaining the mediation evidence is necessary for overriding considerations of public policy in accordance with article 7(1)(a) of the Mediation Directive; or
- (c) the disclosure of the content of an agreement resulting from mediation is necessary to implement or enforce that agreement.
- (3) When considering a request for a witness summons, permission under rule 22.8 or 23.4 or order under rule 24.7, 24.9, 24.10(4) or 24.12, the court may invite any person, whether or not a party, to make representations.
- (4) Where this rule applies, Parts 21 to 24 apply to the extent they are consistent with this rule.

37.1 Scope

- (1) This Part sets out the procedure in respect of—
- (a) committal for breach of a judgment, order, undertaking to do or abstain from doing an act [or of an incoming protection measure];
- (b) contempt in the face of the court;

38.1 Scope and interpretation

- (1) This Part contains rules about the mutual recognition and enforcement of protection measures between England and Wales and Member States of the European Union other than the United Kingdom and Denmark.
- (2) In this Part—
- "Article 5 certificate" means a certificate issued under Article 5 of the Protection Measures Regulation;
- "Article 8 notice" means the notification required by Article 8 of the Protection Measures Regulation;
- "Article 11 notice" means the notification required by Article 11 of the Protection Measures Regulation;
- "Article 14 certificate" means a certificate issued under Article 14 of the Protection Measures Regulation;
- "outgoing protection measure" means any protection measure included in any of—
- (a) a non-molestation order made under section 42 of the 1996 Act;
- (b) an occupation order made under any of sections 33, 35, 36, 37 or 38 of the 1996 Act;
- (c) an undertaking accepted by the court under section 46 of the 1996 Act;
- (d) an order that has been varied under section 49 of the 1996 Act;
- (e) a forced marriage protection order made under section 63A of the 1996 Act;
- (f) an undertaking accepted by the court under section 63E of the 1996 Act;
- (g) an order that has been varied under section 63G of the 1996 Act;
- (h) any other order of the family court or the High Court in family proceedings; or
- (i) any other undertaking accepted by the family court or the High Court in family proceedings;
- "person causing the risk" has the meaning given to it in the Protection Measures Regulation; and
- "protected person" has the meaning given to it in the Protection Measures Regulation.

Chapter 2

Certificates for Outgoing Protection Measures

38.2 Application for an Article 5 certificate

- (1) A protected person may apply for an Article 5 certificate—
- (a) at the time of application for an order containing an outgoing protection measure; or
- (b) at any time after such application, provided either—
- (i) the order or the undertaking containing the outgoing protection measure has not yet been made or accepted, as the case may be; or
- (ii) the outgoing protection measure is still in force.
- (2) An application for an Article 5 certificate may be made without notice.

38.3 The court to which an application for an Article 5 certificate must be made

An application for an Article 5 certificate must be made—

- (a) where the outgoing protection measure has not yet been ordered or accepted—
- (i) to the family court if the proceedings relating to the outgoing protection measure are before the family court;
- (ii) to the High Court if the proceedings relating to the outgoing protection measure are before the High Court;
- (b) where the outgoing protection measure has been ordered or accepted—
- (i) to the family court if that court made the order or accepted the undertaking as the case may be, unless there are proceedings relating to that order or undertaking before the High Court, in which case the application must be made to the High Court;
- (ii) to the High Court if that court made the order or accepted the undertaking as the case may be, unless there are proceedings relating to that order or undertaking before the family court, in which case the application must be made to the family court.

38.4 When a request for a translation of an Article 5 certificate may be made

A protected person may request a translation of an Article 5 certificate—

- (a) at the time of the application for the Article 5 certificate; or
- (b) at any time after such application, provided the Article 5 certificate—
- (i) has not yet been issued; or

- (ii) if issued, is still in force.

38.5 The court to which a request for translation of an Article 5 certificate must be made

A request for a translation of an Article 5 certificate must be made—

- (a) if the certificate has not yet been issued, to—
 - (i) the family court, if the application for the certificate is before the family court; or
 - (ii) the High Court, if the application for the certificate is before the High Court; or
- (b) if the certificate has been issued, to—
 - (i) the family court, if the family court issued it;
 - (ii) the High Court, if the High Court issued it.

38.6 Service requirements under Article 6

- (1) Where the outgoing protection measure is included in an order, the court may only issue an Article 5 certificate if satisfied that the order has been served upon the person causing the risk in accordance with the requirements specified in rule 37.5, unless the court has dispensed with service of the order in accordance with the requirements specified in rule 37.8.
- (2) Where the protected person is responsible for serving the order on the person causing the risk, any application for an Article 5 certificate must be accompanied by a certificate of service.

38.7 Notification of the certificate under Article 8

- (1) Subject to paragraph (2), the court officer must give Article 8 notice to the person causing the risk by serving it in accordance with Chapter 3 of Part 6 and the rules in that Chapter shall apply to service of the notice as they apply to any other document served by a court officer.
- (2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, the court officer must give Article 8 notice by sending it by registered letter with acknowledgement of receipt or confirmation of delivery or equivalent to the last known place of residence of that person.

38.8 Rectification of an Article 5 certificate

- (1) An application pursuant to Article 9 of the Protection Measures Regulation for rectification of an Article 5 certificate must be made to—
 - (a) the family court if the family court issued the certificate;
 - (b) the High Court if the High Court issued the certificate.
- (2) An application for such rectification may be made by—
 - (a) the protected person; or
 - (b) the person causing the risk.
- (3) An Article 5 certificate may be rectified pursuant to Article 9(1)(a) of the Protection Measures Regulation by the court—
 - (a) on application under this rule; or
 - (b) on its own initiative.

38.9 Withdrawal of an Article 5 certificate

- (1) An application pursuant to Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate must be made to—
 - (a) the family court if the family court issued the certificate; or
 - (b) the High Court if the High Court issued the certificate.
- (2) An application for such withdrawal may be made by—
 - (a) the protected person; or
 - (b) the person causing the risk.
- (3) An Article 5 certificate may be withdrawn pursuant to Article 9(1)(b) of the Protection Measures Regulation by the court—
 - (a) on application under this rule; or
 - (b) on its own initiative.

38.10 When an application for an Article 14 certificate may be made

A protected person or person causing the risk may apply for an Article 14 certificate—

- (a) at the time of application for variation or discharge of the order containing the outgoing protection measure, or for acceptance of a variation or discharge of the undertaking containing the outgoing protection measure, as the case may be;
- (b) at any time after the variation or discharge of the order containing the outgoing protection measure has been ordered or the variation or discharge of the undertaking containing the outgoing protection measure has been accepted, as the case may be;
- (c) at the time of application under Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate;
- (d) at any time after an Article 5 certificate has been withdrawn under Article 9 of the Protection Measures Regulation;
- (e) at the time of application for an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure; or
- (f) any time after, the making of an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure.

38.11 The court to which an application for an Article 14 certificate must be made

An application for an Article 14 certificate must be made—

- (a) if the order containing the outgoing protection measure has not yet been varied or discharged or a variation or discharge of the undertaking containing the protection measure has not yet been accepted, as the case may be, to—
 - (i) the family court if the application for such variation or discharge is before the family court; or
 - (ii) the High Court if the application for such variation or discharge is before the High Court;
- (b) if there has been an application under Article 9 of the Protection Measures Regulation for withdrawal of the Article 5 certificate, and that application has not yet been decided, to—
 - (i) the family court if the application for such withdrawal is before the family court; or
 - (ii) the High Court if the application for such withdrawal is before the High Court;
- (c) if the order containing the outgoing protection measure has been varied or discharged or the variation or discharge of the undertaking containing the outgoing protection measure has been accepted, as the case may be, to—
 - (i) the family court if the family court ordered or accepted such variation or discharge, as the case may be; or
 - (ii) the High Court if the High Court ordered or accepted such variation or discharge, as the case may be;
- (d) if an Article 5 certificate has been withdrawn under Article 9, to—
 - (i) the family court if the family court ordered such withdrawal; or
 - (ii) the High Court if the High Court ordered such withdrawal;
- (e) where enforcement of the order has been stayed or suspended, to—
 - (i) the family court if the family court made the order for the stay or suspension; or
 - (ii) the High Court if the High Court made the order for the stay or suspension.

Chapter 3

Incoming Protection Measures

38.12 Application for adjustment under Article 11

A protected person may apply to the court under Article 11 of the Protection Measures Regulation to adjust the factual elements of an incoming protection measure.

38.13 Notification of the adjustment under Article 11

- (1) Subject to paragraph (2), the court officer must give Article 11 notice to the person causing the risk by serving it in accordance with Chapter 3 of Part 6 and the rules in that Chapter apply to service of the notice as they apply to any other document to be served by a court officer.
- (2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, the court officer must give Article 11 notice by sending it by registered letter with acknowledgement of receipt or other confirmation of delivery or equivalent to the last known place of residence of that person.

38.14 Application for refusal of recognition or enforcement under Article 13

An application by a person causing the risk for refusal of recognition or enforcement under Article 13 of the Protection Measures Regulation must be made to—

- (a) the family court if—
 - (i) there are proceedings relating to the same protection measure before the family court; or
 - (ii) proceedings relating to the same protection measure were dealt with by the family court;
- (b) the High Court if—
 - (i) there are proceedings relating to the same protection measure before the High Court; or
 - (ii) proceedings relating to the same protection measure were dealt with by the High Court; or
- (c) the family court, unless, applying rule 5.4, the application should be made to the High Court.

38.15 Application under Article 14(2)

- (1) This rule applies where an Article 14 certificate has been issued in a Member State of the European Union other than the United Kingdom or Denmark.
- (2) A protected person or person causing the risk may apply to the court to stay, suspend or withdraw the effects of recognition or, where applicable, the enforcement of the protection measure.
- (3) An application under this rule must include a copy of the Article 14 certificate issued in the other Member State.
- (4) On an application under this rule, the court must make such orders or give such directions as may be necessary to give effect to the Article 14 certificate.

B16

Family Proceedings Fees Order 2008

(1) This Order may be cited as the Family Proceedings Fees Order 2008 and shall come into force on 1st May 2008.

(2) In this Order—

(a) "LSC" means the Legal Services Commission established under section 1 of the Access to Justice Act 1999;

(b) "the FPR 2010" means the Family Procedure Rules 2010; and

(c) expressions also used in the FPR 2010 have the same meaning as in the FPR 2010;

(d) "EU Regulation 606/2013" means Regulation (EU) No 606/2013 of the European Parliament and of the Council of June 2013 on mutual recognition of protection measures in civil matters; and

(e) "protection measure" and "protected person" have the same meaning as in EU Regulation 606/2013.

(3A) Fees 1.1, 5.1 and 5.3 in Schedule 1 (fees to be taken) are not payable—

(a) in any proceedings relating to protection measures under EU Regulation 606/2013 if the person who would otherwise be liable to pay the fee is the protected person;

(b) in proceedings for—

(i) a non-molestation order;

(ii) an occupation order; or

(iii) a forced marriage protection order,

under Part 4 or 4A of the Family Law Act 1996; or

(bb) in proceedings for a female genital mutilation protection order under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003; or

(c) in proceedings issued by the person who commenced proceedings referred to [in sub-paragraphs (b) or (bb)], where that person applies to vary or discharge an order made in those proceedings.

B17

Financial Markets and Insolvency (Settlement Finality) Regulations 1999

25.— Insolvency proceedings in other jurisdictions

(1) The references to insolvency law in section 426 of the Insolvency Act 1986 (co-operation between courts exercising jurisdiction in relation to insolvency) include, in relation to a part of the United Kingdom, this Part and, in relation to a relevant country or territory within the meaning of that section, so much of the law of that country or territory as corresponds to this Part.

(2) A court shall not, in pursuance of that section or any other enactment or rule of law, recognise or give effect to—

(a) any order of a court exercising jurisdiction in relation to insolvency law in a country or territory outside the United Kingdom, or

(b) any act of a person appointed in such a country or territory to discharge any functions under insolvency law,

in so far as the making of the order or the doing of the act would be prohibited in the case of a court in England and Wales or Scotland, the High Court in Northern Ireland or a relevant office-holder by this Part.

(3) Paragraph (2) does not affect the recognition or enforcement of a judgment required to be recognised or enforced under or by virtue of the Civil Jurisdiction and Judgments Act 1982 or Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4).

B18

High Court and County Courts Jurisdiction Order 1991

6G

(1) In this article—

(a) "the Judgments Regulation" means Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p 62; OJ No L79, 21.3.2013, p 4);

(b) "adaptation order" means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of England and Wales pursuant to article 54 of the Judgments Regulation.

(2) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure without an adaptation order must be made to the High Court.

B19

International Recovery of Maintenance (Hague Convention 2007 etc) Regulation 2012

1

- (1) These Regulations may be cited as the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012, and, subject as follows, shall come into force on the day on which the Convention enters into force in respect of the European Union, which day will be notified in the London, Edinburgh and Belfast Gazettes.
- (2) Regulations 1, 2, 3 and 9, and Schedule 5 come into force on 7th December 2012.
- (3) Regulation 6 and Schedule 2 come into force on 1st April 2013, except in so far as they apply to the enforcement of a maintenance decision registered under the Convention.

2

- (1) Subject as follows, these Regulations extend only to England and Wales.
- (2) Regulations 1 to 3, 4(2), 6, 7 and 10 and Schedules 2 and 3 also extend to Scotland.
- (3) Regulations 1 to 3, 4(2), 7 and 10 and Schedule 3 also extend to Northern Ireland.
- (4) Any amendment, repeal or revocation made by these Regulations has the same extent as the enactment to which it relates.

3

In these Regulations—

“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; and

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.

4

- (1) The Lord Chancellor is designated under Article 4 of the Convention as the Central Authority in relation to England and Wales.
- (2) If a person outside the United Kingdom does not know to which Central Authority in the United Kingdom a communication should be addressed, the person may address it to the Lord Chancellor.

5

Schedule 1 (which contains provisions relating to the establishment, modification, recognition and enforcement in England and Wales pursuant to the Convention of maintenance decisions made in States bound by the Convention which are not European Union Member States) has effect.

6

Schedule 2 (which contains provisions for the enforcement in England and Wales and Scotland of certain international maintenance obligations in relation to children by way of driving disqualification orders) has effect.

7

Schedule 3 (which contains provisions relating to access to, and the transmission and use of, information) has effect.

8

Schedule 4 (which makes consequential amendments) has effect.

9

Schedule 5 (which contains further amendments relating to the Maintenance Regulation) has effect.

10

- (1) The Secretary of State must from time to time—
- (a) carry out a review of the provisions of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Convention has been given effect in other Member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the provisions of these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate, and, if so, the extent to which they could be achieved with a system which imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day specified in regulation 1(1).
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

SCHEDULE 1 RECOGNITION AND ENFORCEMENT OF NON-EU MAINTENANCE DECISIONS, AND ESTABLISHMENT AND MODIFICATION OF MAINTENANCE OBLIGATIONS UNDER THE CONVENTION Regulation 5

Interpretation

1

(1) In this Schedule—

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

“court”, in relation to a maintenance decision given in a Contracting State, includes a tribunal, and any administrative authority (within the meaning of Article 19(3)) with competence to make a decision in respect of a maintenance obligation;

“maintenance decision” means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the Convention applies by virtue of Article 19(1).

(2) In this Schedule, any reference to a numbered Article is a reference to the Article so numbered in the Convention and any reference to a sub-division of a numbered Article shall be construed accordingly.

(3) . . .

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 the family court.
- (2) An application for registration is to be transmitted by the Lord Chancellor to the family 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 the family court in the same manner as a maintenance order made by that court, . . .

In this sub-paragraph “maintenance order” has the meaning given by section 1(10) of the Maintenance Enforcement Act 1991

(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 [the family court] must give notice of any change of address to the [court officer of the family court in the Designated Family Judge area in which the maintenance decision is registered].

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.

Interest on judgments

3

- (1) Subject to sub-paragraph (2) and rules of court as to the payment of interest under this paragraph, where a person applying for registration of a maintenance decision shows that—
- (a) the decision provides for the payment of money, and
 - (b) in accordance with the law of the Contracting State in which the maintenance decision was given and the terms of the decision, interest on that sum is recoverable at a particular rate and from a particular date or time, the debt resulting from registration of the decision is to carry interest at that rate and from that date or time.
- (2) Interest is not recoverable under sub-paragraph (1) unless the rate of interest and the date or time referred to in sub-paragraph (1)(b) are registered with the decision.
- (3) . . .
- (4) . . .

Currency of payments under a maintenance decision

4

- (1) Sums payable under a maintenance decision registered in England and Wales under the Convention, including any arrears so payable, shall be paid in sterling.
- (2) Where the maintenance decision is expressed in any other currency, the amounts shall be converted on the basis of the exchange rate prevailing on the date on which the application for registration was received by the Lord Chancellor for transmission to a court.
- (3) For the purposes of this paragraph, a written certificate purporting to be signed by an officer of any bank in England and Wales and stating the exchange rate prevailing on a specified date shall be evidence of the facts stated.

Proof and admissibility of certain maintenance decisions and related documents

5

- (1) For the purposes of proceedings relating to the Convention a document, duly authenticated, which purports to be a copy of a maintenance decision given by a court in a Contracting State shall without further proof be deemed to be a true copy, unless the contrary is shown.
- (2) A document purporting to be a copy of a maintenance decision given by a court in a Contracting State is duly authenticated for the purposes of this paragraph if it purports—
- (a) to bear the seal of that court; or
 - (b) to be certified by any person in that person's capacity as a judge or officer of that court to be a true copy of a maintenance decision given by that court.
- (3) Nothing in this paragraph shall prejudice the admission in evidence of any document which is admissible apart from this paragraph.

Maintenance arrangements

6

- (1) References in this paragraph to maintenance arrangements are to those maintenance arrangements (as defined in Article 3(e)) which are to be recognised and enforceable in the same way as maintenance decisions by virtue of Article 30.
- (2) In relation to a maintenance arrangement which is enforceable as a maintenance decision in the Contracting State of origin, this Schedule applies, subject to the modifications in sub-paragraphs (3), (4) and (5), as if that maintenance arrangement was a maintenance decision given by a court of that State.
- (3) Paragraph 2 applies to maintenance arrangements as if—
- (a) in sub-paragraph (6), for "as if the decision had originally" there were substituted "as if it were a decision which had originally";
 - (b) after sub-paragraph (9)(b) there were inserted—
- "(c) Article 30(6) (restriction on enforcement where there is a challenge to a maintenance arrangement in the Contracting State of origin).".
- (4) Paragraph 3 applies to maintenance arrangements as if in sub-paragraph (1)(b), for the word "given" there were substituted "concluded".
- (5) Paragraph 5 applies to maintenance arrangements as if—
- (a) in sub-paragraph (1), for "given by a court" there were substituted "formally drawn up or registered as an authentic instrument by, or authenticated by, or concluded, registered or filed with a competent authority";
 - (b) for sub-paragraph (2) there were substituted—
- "(2) A document purporting to be a copy of a maintenance arrangement drawn up or registered as an authentic instrument by, or authenticated by, or concluded, registered or filed with a competent authority in a Contracting State is duly authenticated for the purposes of this paragraph if it purports to be certified to be a true copy of such an arrangement by a person duly authorised in that State to do so.".
- (6) Section 18 of the Civil Jurisdiction and Judgments Act 1982 does not apply to maintenance arrangements.

Applications for establishment or modification of maintenance in England and Wales

7

- (1) Upon receipt of an application submitted under Article 10 for establishment or modification of a decision, the Lord Chancellor shall send that application to [the court officer of the family court in] [the Maintenance Enforcement Business Centre for the area] in which the respondent is residing.
- (2) Upon receipt of the application under sub-paragraph (1), the [court officer] of that court shall decide—
- (a) whether the courts of England and Wales have jurisdiction to determine the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011; and
 - (b) if so, whether the family court has the power to make the decision or modification sought under the law in force in England and Wales.
- (3) Where the [court officer] decides under sub-paragraph (2)(a) that the courts of England and Wales do not have jurisdiction to determine the application, the [court officer] shall return the application to the Lord Chancellor with a written explanation of the reasons for that decision.
- (4) . . .
- (5) Subject to sub-paragraph (6), if the [court officer] decides under sub-paragraph (2)(b) that the [family court] has power to make the decision or modification sought, the [court officer] shall issue the application and serve it on the respondent.
- (6) If the respondent does not [reside in the area covered by the Maintenance Enforcement Business Centre] [to which the application has been sent, the court officer] shall—
- (a) if satisfied that the respondent is residing within [the area covered by another Maintenance Enforcement Business Centre], send the application to the [court officer of the family court] in [the Maintenance Enforcement Business Centre for] that other area and inform the Lord Chancellor that it has been so sent; or
 - (b) if unable to establish where the respondent is residing, return the application to the Lord Chancellor.
- (7) A [court officer] who receives an application by virtue of sub-paragraph (6)(a) shall proceed under sub-paragraph (5) as if that [court officer] had decided that the [family court] has power to make the decision or modification sought.
- (8) Where the [court officer] has determined in accordance with sub-paragraph (2)(b) that the [family court] has power to make the decision or modification sought, the application shall be treated for the purpose of establishment or modification of a decision under the [law in force in England and Wales].
- (9) In this paragraph—

"respondent" means the person who is alleged in an application for establishment of a decision under Article 10 to owe maintenance, or where the application is for modification of a decision, the applicant for the original decision; and

a reference to an application is a reference to an application together with any documents which accompany it.

SCHEDULE 2 ENFORCEMENT OF INTERNATIONAL MAINTENANCE ORDERS—DRIVING DISQUALIFICATION ORDERS

Regulation 6

Application

1

The provisions of this Schedule apply in relation to the enforcement of a maintenance decision relating to a child where that maintenance decision is registered for enforcement, or enforceable, by virtue of—

- (a) the Council Regulation;
- (b) the Lugano Convention;
- (c) the Maintenance Regulation; or
- (d) the Convention.

Interpretation

2

- (1) In this Schedule—
- "the 1980 Act" means the Magistrates' Courts Act 1980;
- "the Council Regulation" means Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;
- "the Lugano Convention" means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed on behalf of the European Community on 30th October 2007;
- "arrears" means a sum or sums payable to the creditor from the debtor which have fallen due under the terms of a maintenance decision and which the debtor has not paid;
- "the court" means—
- in England and Wales, a magistrates' court;
- in Scotland, the sheriff court;
- "the creditor" means a person to whom a sum or sums of maintenance are owed by the debtor under the terms of a maintenance decision in relation to which an application under this Schedule is made, and includes—
- a public body acting in place of an individual to whom maintenance is owed or to which reimbursement is owed for benefits provided in place of maintenance, to the extent that such a body may seek enforcement of a maintenance decision under the terms of an international agreement referred to in paragraph 1; and
- an officer of the family court, where the sum or sums of maintenance must be paid to the family court;
- "the debtor" means the person who is liable to pay a sum or sums to the creditor under the terms of the maintenance decision in relation to which a complaint referred to in paragraph 3(2) or an application referred to in paragraph 4(1) of this Schedule is made;

"driving disqualification order" means an order under paragraph 5(1)(a) of this Schedule;

"maintenance decision" means a maintenance obligation to which an international agreement mentioned in paragraph 1 applies and which is—

in England and Wales, [a maintenance order enforceable in the family court];

in Scotland, a maintenance order within the meaning of section 106 of the Debtors (Scotland) Act 1987.

(2) In this Schedule—

(a) "child" means a person who—

(i) either—

(aa) has not attained the age of 16, or

(bb) has not attained the age of 20, and is receiving full time education or vocational training; and

(ii) is not or has not been party to a marriage, to a civil partnership or to an overseas relationship treated as a civil partnership under section 215 of the Civil Partnership Act 2004,

and for the purposes of sub-paragraph (ii) "marriage" and "civil partnership" include a void marriage and a void civil partnership respectively;

(b)

(i) "driving licence" means a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1988;

(ii) . . .

(c) . . .

Application for a driving disqualification order—England and Wales

3

(1) This paragraph applies to England and Wales only.

[(2) Where payment under a maintenance decision is in arrears, the court may make a driving disqualification order on complaint made by a creditor.]

[(2A) A complaint under sub-paragraph (2) shall not be made earlier than the fifteenth day after the making of the maintenance decision to which it relates, but subject to this such a complaint may be made at any time.

(2B) Section 55 of the 1980 Act shall not apply in relation to a complaint under sub-paragraph (2).

(2C) Section 56 of the 1980 Act shall have effect in relation to a complaint under sub-paragraph (2) as if the words "if evidence has been received on a previous occasion" were omitted.

(2D) Sub-paragraph (2E) applies where, at the time and place appointed for the hearing or adjourned hearing of a complaint under sub-paragraph (2), the complainant appears but the defendant does not.

(2E) The court may proceed in the absence of the defendant if—

(a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed in rules of court, that the summons was served on the defendant within what appears to the court to be a reasonable time before the hearing or adjourned hearing; or

(b) the defendant has appeared on a previous occasion to answer the complaint.

(2F) If a complaint under sub-paragraph (2) is substantiated on oath, any justice of the peace acting in the same local justice area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant's arrest, whether or not a summons has been issued previously.

(3) The court shall not make a driving disqualification order—

(a) in the absence of the debtor;

(b) if it considers that, in a case in which it has power to do so, it is appropriate to—

(i) make an attachment of earnings order;

(ii) make an order under [section 59(4)] of the 1980 Act; or

(iii) issue a warrant of control for the purpose of recovering the arrears under section 76(1) of that Act;

(c) unless either—

(i) the creditor has sought to obtain a charging order or a third party debt order in respect of the arrears and the arrears or any portion of them remain unpaid; or

(ii) the debtor has no assets in England and Wales which are susceptible to such methods of enforcement.

(4) Pending the entry into force of section 62 of, and Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007, the reference in sub-paragraph (b)(iii) to obtaining a warrant of control is to be read as a reference to obtaining a warrant of distress.

Application for a driving disqualification order—Scotland

...

Making of a driving disqualification order

5

(1) If, but only if, the court is of the opinion that the failure to pay the arrears is due to wilful refusal or culpable neglect on the part of the debtor, it may—

(a) make an order (a driving disqualification order) disqualifying the debtor from holding or obtaining a driving licence for such period specified in the order, not exceeding two years, as it thinks fit; or

(b) make a driving disqualification order but suspend its operation until such time and on such conditions (if any) as it thinks just.

(2) The court shall not make a driving disqualification order unless it has enquired, in the presence of the debtor, as to—

(a) the debtor's means;

(b) whether the debtor needs a driving licence to earn his or her living; and

(c) whether the failure to pay the arrears is due to wilful refusal or culpable neglect on the part of the debtor.

6

A driving disqualification order must state the amount of arrears in respect of which it is made and the period to which they relate and the amount may not exceed the arrears owing under the maintenance decision at the date on which the complaint referred to in paragraph 3 or the application under paragraph 4 was made.

7

A court which makes a driving disqualification order shall require the person to whom it relates to produce any driving licence held by that person.

8

(1) The court shall not, in relation to arrears—

(a) make a driving disqualification order during the currency of a warrant committing the debtor to prison in respect of the same arrears;

(b) issue a warrant committing the debtor to prison where a driving disqualification order has been made in respect of the same arrears but the period of disqualification specified in the driving disqualification order has not expired.

(2) In sub-paragraph (1)—

(a) references to a warrant committing the debtor to prison include such a warrant which has been postponed;

(b) references to a driving disqualification order include such an order which has been suspended in accordance with paragraph 5(1)(b); and

(c) references to the currency of a warrant, or to the period of disqualification specified in a driving disqualification order, are to be read as including references to the period of postponement of a warrant or suspension of disqualification respectively.

Variation, revocation and expiry of driving disqualification order

9

(1) On application by the creditor or the debtor, the court—

(a) may, if part of the amount in respect of which the order is made is paid to any person authorised to receive it, make an order substituting a shorter period of disqualification, or revoking the driving disqualification order; and

(b) must, if the whole of the amount is so paid, make an order revoking the driving disqualification order.

(2) An application under sub-paragraph (1) shall be made—

(a) in England and Wales, by complaint;

(b) in Scotland, by summary application.

10

Upon the making of a further complaint under [paragraph 3(2) of this Schedule] or application under paragraph 4 of this Schedule, the court may make a further driving disqualification order if the arrears in respect of which the driving disqualification order was made have not been paid in full when the period of disqualification specified in that order expires.

Notification to the Secretary of State

11

Where a court—

(a) makes a driving disqualification order; or

(b) makes an order varying or revoking a driving disqualification order,

it shall send notice of that fact and any driving licence produced to the court to the Secretary of State.

Production of driving licence in England and Wales

12

In England and Wales, a justice of the peace may issue a summons to the debtor to produce to a magistrates' court any driving licence held by the debtor, and issue a warrant for the debtor's arrest if the debtor does not comply.

Procedure on an application for a driving disqualification order in Scotland

13
In Scotland, the power of the Court of Session by Act of Sederunt to regulate the procedure and practice in civil proceedings in the sheriff court includes the power to make, in relation to driving disqualification orders made under this Schedule, provision—

- (a) as to the form of any order issued under this Schedule;
- (b) allowing an application under this Schedule to be renewed where no order is issued;
- (c) that a statement in writing to the effect that wages of any amount have been paid to the debtor during any period, purported to be signed by or on behalf of the debtor's employer, is sufficient evidence of the facts stated;
- (d) that, for the purposes of enabling an inquiry to be made as to the debtor's conduct and means, the sheriff may issue a citation to the debtor to appear before the sheriff and (if the debtor does not obey) may issue a warrant for the debtor's arrest;
- (e) that, for the purposes of enabling such an inquiry, the sheriff may issue a warrant for the debtor's arrest without issuing a citation;
- (f) as to the execution of a warrant of arrest.

SCHEDULE 3 PROVISIONS RELATING TO INFORMATION

Regulation 7

- 1**
- (1) Subject to the provisions of this Schedule, the Secretary of State, and Revenue and Customs officials, shall provide to the Central Authority such information mentioned at paragraph 3 as they hold in the course of their ordinary activities and which is necessary to facilitate establishment, modification, recognition, registration or enforcement of a maintenance obligation to which the Convention applies, except that provision of information may be refused where it would pose a threat to public safety or national security.
 - (2) The information to be supplied by the Secretary of State is limited to information held for functions relating to social security, child support, employment or training.
 - (3) In this Schedule, references to the Secretary of State include a person providing services to the Secretary of State in connection with the functions mentioned at sub-paragraph (2).

- 2**
- (1) The information shall be provided to the Central Authority upon its request.
 - (2) The Central Authority may not request the information unless the following conditions are met—
 - (a) the application to which the request relates has been made under Chapter III of the Convention (applications through Central Authorities) or is an application for a specific measure under Article 7 relating to the location of the debtor or creditor, or to obtaining the information in Article 6(2)(c) (relevant financial circumstances);
 - (b) the request is limited to information which is relevant for the establishment, modification, recognition, registration or enforcement (as the case may be) of the maintenance obligation in question.

- 3**
- (1) Subject to sub-paragraphs (2) to (4), the information to be supplied under paragraph 1 is—
 - (a) the address of the debtor or of the creditor;
 - (b) details of the debtor's income;
 - (c) the identity and contact details of the debtor's employer;
 - (d) details of any deposit account or withdrawable share account that the debtor holds with a deposit-taker;
 - (e) details of the debtor's assets.
 - (2) Where the application to which the request relates is for establishment or modification of a maintenance obligation, the Central Authority may only request the address of the debtor or of the creditor.
 - (3) The information at sub-paragraph (1)(e) may not be requested unless the information at sub-paragraphs (1)(b) to (d) is insufficient to enable enforcement of the maintenance obligation.
 - (4) Where the application to which the request relates is for a specific measure in accordance with paragraph 2(2)(a), the information in sub-paragraph (1)(b), (d) and (e)—
 - (a) shall consist only of an indication as to whether the debtor has income or assets in England and Wales, Scotland or Northern Ireland (as the case may be); and
 - (b) shall be supplied only if the creditor produces to the Central Authority a copy of the maintenance obligation or an abstract from it together with the document required by Article 25(1)(b) or Article 30(3)(b), as appropriate, stating that it is enforceable in the Contracting State in which it was made,
- and no information may be supplied in relation to the identity and contact details of the debtor's employer.

- 4**
- (1) The Central Authority shall transmit the information received in accordance with this Schedule to—
 - (a) the relevant court in England and Wales, or Scotland or Northern Ireland (as the case may be) seised of the application referred to in paragraph 2(2)(a);
 - (b) where necessary, the requesting Central Authority,
- as appropriate.

- 5**
- Subject to the provisions of the Convention and of this Schedule, the persons and authorities to whom the Central Authority transmits information in accordance with this Schedule and the requirements of Articles 6 and 7 may process that information in any manner necessary to facilitate the adjudication and recovery of the maintenance obligation to which the request relates.

6
The Central Authority, any court to which it transmits information in accordance with paragraph 4, and any person or authority within the United Kingdom to whom that information is transmitted (whether by a court or by the Central Authority)—

- (a) may use information provided under this Schedule only for the purpose of facilitating recovery of maintenance in accordance with this Schedule and the Convention;
- (b) may not disclose to the applicant the information so provided, except that—
 - (i) the existence, or not as the case may be, of an address, income or assets in England and Wales, or Scotland or Northern Ireland (as relevant) may be so disclosed;
 - (ii) the information may be disclosed if required by rules of court;
- (c) may not store the information beyond the period necessary for the purpose it was provided to it.

- 7**
- (1) Subject to paragraph 6(b), information referred to in paragraph 3(1) which is received by a Central Authority from a person or an authority listed in paragraph 1 cannot be disclosed to another person unless the disclosure is in connection with a function of the Central Authority under Articles 6 and 7, and Chapter III.
 - (2) Sub-paragraph (1) does not apply to—
 - (a) the disclosure of information which is in the form of a summary or collection of information so framed as not to enable identification of any person from the information;
 - (b) disclosure which is made in pursuance of an order of a court;
 - (c) disclosure which is required by any other enactment.

- 8**
- (1) Subject to sub-paragraph (3), a person who—
 - (a) is or has been employed by the Central Authority; or
 - (b) provides or has provided services to the Central Authority,is guilty of an offence if that person makes disclosure, otherwise than in accordance with this Schedule, of information referred to in paragraph 3 which has been obtained from a person or authority listed in paragraph 1 and which relates to a person whose identity is specified in the information disclosed or can be deduced from it.
 - (2) It is a defence to prove that, at the time of the alleged offence, the person making the disclosure believed that the person was making the disclosure lawfully in accordance with this Schedule and the Convention, and had no reasonable cause to believe otherwise.
 - (3) Sub-paragraph (1) does not apply to disclosure of information received by such a person from the Secretary of State where the information so disclosed is held by the Secretary of State for the purposes of employment or training only.

9
A person found guilty of an offence under this Schedule shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both.

- 10**
- (1) In this Schedule—
"Central Authority" means—
 - (a) in relation to England and Wales, the Lord Chancellor;
 - (b) in relation to Scotland, the Scottish Ministers; and
 - (c) in relation to Northern Ireland, the Department of Justice,
- and references to "Central Authority" include persons employed by or supplying services to that Central Authority;

"deposit-taker" means any person who may, in the course of their business, lawfully accept deposits in the United Kingdom;

"maintenance obligation" means any maintenance obligation to which the Convention (as applied by the United Kingdom) applies, and includes maintenance arrangements as defined in Article 3(e);

"requesting Central Authority" means the Central Authority of another Contracting State to the Convention which has made the request for information or sent the application under Article 10, or the specific measures request under Article 7;

"Revenue and Customs officials" has the meaning given by section 18 of the Commissioners for Revenue and Customs Act 2005;

"functions relating to social security" includes functions relating to statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992 and maternity allowance under section 35 of that Act.

(2) In this Schedule any reference to a numbered Article or Chapter is to the Article or Chapter so numbered in the Convention and any reference to a sub-division of a numbered Article shall be construed accordingly.

SCHEDULE 4 CONSEQUENTIAL AMENDMENTS

Regulation 8

...

7.— Recovery Abroad of Maintenance (Convention Countries) Order 1975

(1) In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975 the reference to Norway is revoked.

(2) At the end of the Schedule, insert—

"(For special provision about Norway, see paragraph 7 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012.)"

(3) Despite sub-paragraph (1), Norway is to continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to—

(a) proceedings on an application to which section 27A, 28C or 31(1) of the Act apply and which were continuing on the coming into force date;

(b) proceedings on an application for variation or revocation of an order registered under Part 2 of the Act which were continuing on the coming into force date;

(c) enforcement of an order registered under Part 2 of the Act before the coming into force date or upon the making of an order in proceedings within paragraph (a).

(4) Despite sub-paragraph (1), Norway is to continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to any matter relating to maintenance which is—

(a) within scope of the United Nations Convention on the Recovery Abroad of Maintenance done at New York on 20th June 1956 1; and

(b) not within scope of the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, 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.

(5) In this paragraph—

"the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

"the coming into force date" means the day on which the Convention on the International Recovery of Child Support and other forms of Family maintenance done at The Hague on 23rd November 2007 enters into force in respect of the European Union.

Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

8

(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 is amended as follows.

(2) In Schedule 1, the reference to Norway is revoked.

(3) At the end of Schedule 1, insert—

"(For special provision about Norway, see paragraph 8 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012.)"

(4) Despite sub-paragraph (2), Norway is to continue to be treated as a Hague Convention Country for the purposes of Part 1 of the Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993—

(a) in accordance with Article 48 of the 2007 Hague Convention, in relation to any matter relating to maintenance which is—

(i) within scope of the 1973 Hague Convention, and

(ii) not within the 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 Norway before the entry into force of that Convention for Norway 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 (2), the decision would have been recognised and enforced under Part 1 of the Act as modified as mentioned above;

(c) in relation to any of the following proceedings which are continuing on the day on which these Regulations come into force in accordance with regulation 1(1)—

(i) proceedings for the establishment of a maintenance order under section 3 of the Act pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date, recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E);

(ii) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply;

(iii) proceedings under section 6 of the Act for registration of a maintenance order where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date;

(d) 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.

(5) In this paragraph—

"the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

"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, 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;

"the 1973 Hague Convention" means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations done at The Hague on 2nd October 1973 as it applies in the United Kingdom;

"maintenance decision" means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1), or to which the 1973 Hague Convention applies, as the case may be;

"registered order" has the meaning given in section 21(1) of the Act.

...

SCHEDULE 5 AMENDMENTS RELATING TO THE MAINTENANCE REGULATION

Regulation 9

...

Recovery Abroad of Maintenance (Convention Countries) Order 1975

4

(1) In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975, references to the following countries are revoked—

(a) Austria;

(b) Belgium;

(c) Cyprus;

(d) Czech Republic;

(e) Denmark;

(f) Finland;

(g) France, including the overseas departments of Guadeloupe, Guiana, Martinique and Reunion;

(h) Germany;

(i) Greece;

(j) Hungary;

(k) Ireland;

(l) Italy;

(m) Luxembourg;

(n) Netherlands (Kingdom in Europe);

(o) Poland;

(p) Portugal;

(q) Romania;

(r) Slovakia;

(s) Slovenia;

(t) Spain;

(u) Sweden.

- (2) Despite sub-paragraph (1), the countries listed in that sub-paragraph are to continue to be treated as Convention Countries for the purposes of Part 2 of the Act in relation to—
- (a) proceedings on an application to which section 27A, 28C or 31(1) of the Act apply and which were continuing on 18 June 2011;
- (b) proceedings on an application for variation or revocation of an order registered under Part 2 of the Act which were continuing on 18 June 2011;
- (c) enforcement of an order registered under Part 2 of the Act before 18 June 2011 or upon the making of an order in proceedings within paragraph (a).
- (3) In sub-paragraph (2), "the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972.

Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975

5

- (1) In the Schedule to the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975, the reference to Malta in column (1) and the corresponding entry in column (2) are revoked.
- (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 in connection with—
- (a) proceedings on an application under section 3 or 4 of the Act for a provisional order which were continuing on 18 June 2011;
- (b) the application of section 3(6) of the Act to an order confirmed by a competent court in Malta, where such confirmation occurred before 18 June 2011 or where the confirmation relates to an order made in proceedings within paragraph (a);
- (c) proceedings on an application for variation or revocation of a maintenance order to which section 5 of the Act applies which were continuing on 18 June 2011;
- (d) proceedings under section 7 of the Act for confirmation of a provisional order made by a court in Malta where the provisional order was made before 18 June 2011;
- (e) enforcement in accordance with section 8 of the Act of a maintenance order made by a court in Malta where that order was registered—
- (i) under section 6 or 7 of the Act before 18 June 2011;
- (ii) in proceedings within paragraphs (d), (f) or (g);
- (f) proceedings on an application under section 9 of the Act for revocation or variation of a maintenance order registered in a United Kingdom court where those proceedings were continuing on 18 June 2011;
- (g) proceedings under section 9(6) of the Act for the confirmation of a provisional order made by a court in Malta varying a registered order, where the provisional order was made before 18 June 2011;
- (h) the effect of revocation of a registered order (see section 9(9) of the Act);
- (i) cancellation or transfer of the registration of an order in accordance with section 10 of the Act.
- (3) In sub-paragraph (2), "the Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972.

...

B20

Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014

1.— Citation, commencement and interpretation

...

1(4) In this Order—

“the Act” means the Marriage (Same Sex Couples) Act 2013; and

“the 2004 Act” means the Civil Partnership Act 2004.

...

Schedule 2 Contrary Provisions to Section 11(1) and (2) of, paragraphs 1 and 3 of Schedule 3 to, the Act

...

PART 2

EU instruments

Provision disapplying the effect of section 11(1) and (2) of the Act in respect of EU instruments

3. Section 11(1) and (2) of the Act does not apply to EU instruments

B21

Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014

Part 1

Introductory

Citation, commencement and extent

1

- (1) These Regulations may be cited as the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 and shall come into force on 13th March 2014.
- (2) These Regulations extend to England and Wales only.

Part 2

Jurisdiction

2

The court has jurisdiction in proceedings for the divorce of, or annulment of the marriage of, a same sex couple or for the judicial separation of a married same sex couple where--

- (a) both spouses are habitually resident in England and Wales;
- (b) both spouses were last habitually resident in England and Wales and one of the spouses continues to re-side there;
- (c) the respondent is habitually resident in England and Wales;
- (d) the petitioner is habitually resident in England and Wales and has resided there for at least one year immediately preceding the presentation of the petition;
- (e) the petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately preceding the presentation of the petition; or
- (f) both spouses are domiciled in England and Wales.

Part 3

Recognition and Refusal of Recognition of Judgments

Interpretation and application of Part 3

3

- (1) In this Part--
- (a) "judgment" means a judgment of a court of a member State which orders the divorce of, or annulment of the marriage of, a same sex couple or the judicial separation of a married same sex couple;
- (b) "member State" means a member State of the European Union other than the United Kingdom.
- (2) A "court of a member State" referred to in paragraph (1)(a) means any authority, whether judicial or ad-ministrative, in a member State with jurisdiction in those matters falling within the scope of these Regulations.
- (3) This Part applies to all judgments even if the date of the judgment is earlier than the date on which para-graph 5 of Schedule A1 to the Domicile and Matrimonial Proceedings Act 1973 and these Regulations come into force.

Recognition of a judgment

4

- (1) Where a judgment is (or has been) given in respect of a marriage of a same sex couple, that judgment shall, without any special formalities, be recognised.
- (2) Any interested party may, in accordance with the procedure set out in the Family Procedure Rules 2010, apply to the court for a judgment to be, or not to be, recognised.
- (3) Where the recognition of a judgment is raised as an incidental issue in proceedings before the court, that court may determine the issue.

Refusal of recognition of a judgment

5

- (1) The court shall refuse to recognise the validity of a judgment if the judgment was obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the marriage--
 - (a) previously given in proceedings between the same parties by a court of civil jurisdiction in England and Wales, or
 - (b) previously given in proceedings between the same parties by a court elsewhere, but only if that decision was capable of being recognised or was entitled to be recognised in England and Wales at the time it was ob-tained.
 - (2) The court shall refuse to recognise the validity of a judgment if the judgment was obtained at a time when the law of England and Wales did not recognise marriages of same sex couples.
 - (3) Paragraph (2) does not prevent the recognition of a judgment if, at the time the judgment was obtained, the marriage would have been treated as a subsisting civil partnership according to the law of England and Wales.
 - (4) The court shall refuse to recognise the validity of a judgment if--
 - (a) in the case of a judgment obtained by means of proceedings, it was obtained--
 - (i) without such steps having been taken for giving notice of the proceedings to a spouse as, having re-gard to the nature of the proceedings and all the circumstances, should reasonably have been taken, or
 - (ii) without a spouse having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, he or she should reasonably have been given; or
 - (b) in the case of a judgment obtained otherwise than by means of proceedings--
 - (i) there is no official document certifying that the judgment is effective under the law of the country in which it was obtained, or
 - (ii) where either spouse was domiciled in another country at the relevant date, there is no official docu-ment certifying that the judgment is recognised as valid under the law of that other country; or
 - (c) in either case, recognition of the judgment would be manifestly contrary to public policy.
 - (5) In this regulation--
- official, in relation to a document certifying that a judgment is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under that law; the relevant date means--
- (a) in the case of a judgment obtained by means of proceedings, the date of the commencement of the proceedings;
 - (b) in the case of a judgment obtained otherwise than by means of proceedings, the date on which it was obtained.

Jurisdiction and review

6

The court may not review the jurisdiction of the court which issued the judgment.

7

A judgment may not be reviewed as to its substance.

Differences in applicable law

8

The court may not refuse to recognise a judgment because the law of England and Wales would not allow divorce, annulment or judicial separation on the same facts.

Stay of proceedings

9

Where recognition is sought of a judgment given in a member State and an appeal against that judgment has been lodged in that member State, the court may stay the proceedings.

B22

Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010

2 Interpretation

In these Regulations—

"Central Authority" has the meaning given by regulation 9(1);

"Contracting State" means a state party to the Convention;

"the Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;

"the Council Regulation" means Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility;

"Department of Justice" means the Department of Justice in Northern Ireland;

"local authority" means—

(a) in relation to England, the council of a county, a metropolitan district, the Council of the Isles of Scilly, a London borough or the Common Council of the City of London, and

(b) in relation to Wales, the council of a county or a county borough;

"member State" means a member State of the European Union which is bound by the Council Regulation;

"Northern Ireland authority" means an authority within the meaning given by Article 2(2) of the Children (Northern Ireland) Order 1995;

"public authority" means a body whose functions are wholly or mainly of a public nature;

"Welsh family proceedings officer" has the meaning given by section 35 of the Children Act 2004.

3 Power of court to remove stay under Article 8

(1) This regulation applies where—

(a) a court has exercised its power under Article 8 of the Convention to request an authority of another Contracting State to assume jurisdiction in relation to an application,

(b) the court has stayed proceedings on the application, and

(c) Part 1 of the Family Law Act 1986 does not apply in relation to the application.

(2) The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Convention, and withdraw any request made by it under that Article to an authority in another Contracting State to assume jurisdiction, if—

(a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or

(b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction.

4.— Local authorities and Northern Ireland authorities: application to court to make request under Article 9

...

5 Local authorities: application for interim care order or supervision order

(1) This regulation applies where—

(a) a local authority in England and Wales thinks that the conditions in section 31(2)(a) and (b) of the Children Act 1989 (threshold for care and supervision orders) apply in relation to a child, and

(b) one of the following applies in relation to the child—

(i) Article 11 of the Convention (measures of protection in cases of urgency),

(ii) Article 12 of the Convention (measures of a provisional character), or

(iii) Article 20 of the Council Regulation (provisional and protective measures).

(2) Where this regulation applies, section 38 of the Children Act 1989 (interim orders) has effect as if—

(a) for subsection (1)(a) and (b) there were substituted—

"(a) a local authority makes an application for an interim care order or interim supervision order in relation to a child, and

(b) one of the following applies in relation to the child—

(i) Article 11 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 (measures of protection in cases of urgency) ("the Convention"),

(ii) Article 12 of the Convention (measures of a provisional character), or

(iii) Article 20 of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (provisional and protective measures) ("the Council Regulation"),",

(b) subsection (3) were omitted,

(c) in subsection (4)(b) the words "in the same proceedings" were omitted, and

(d) for subsection (4)(c) to (e) there were substituted—

"(c) in a case which falls within subsection (1)(b)(i) or (ii), when—

(i) the authorities in another Contracting State with jurisdiction under the Convention have taken the measures required by the situation, or

(ii) measures taken by the authorities of another State are recognised in England and Wales;

(d) in a case which falls within subsection (1)(b)(iii), when the court of the member State with jurisdiction under the Council Regulation has taken the measures it considers appropriate.".

(3) Where this regulation applies—

(a) section 31 of the Children Act 1989 (care and supervision orders) has effect as if, in section 31(3A), after "care order" there were inserted the words ", other than an interim care order,"

(b) section 31A of that Act (care plans) has effect as if subsection (5) were omitted, and

(c) section 41 of that Act (representation of child's interests) has effect as if in subsection (6) there were included a reference to an application for an interim care order or interim supervision order by virtue of this regulation.

6.— Northern Ireland authorities: application for interim care order or supervision order

...

7 Application of Article 15

The reference to Chapter II of the Convention in Article 15(1) of the Convention is to be read as including a reference to Chapter II of the Council Regulation.

8 Judicial authorities

(1) The High Court has jurisdiction to entertain an application under Article 24 of the Convention for recognition, or non-recognition, of a measure taken in another Contracting State.

(2) But where the recognition or non-recognition of a measure is raised as an incidental question in another court, that court may determine the issue.

(3) The High Court is also to have jurisdiction—

(a) to register a measure taken in another Contracting State for enforcement under Article 26 of the Convention, and

(b) to entertain an application for a declaration—

(i) that a person has, or does not have, parental responsibility for a child by virtue of Article 16 of the Convention, or

(ii) as to the extent of a person's parental responsibility for a child by virtue of that Article.

9 Central authorities

(1) The functions under the Convention of a Central Authority are to be discharged—

(a) in England, by the Lord Chancellor,

(b) in Wales, by the Welsh Ministers, and

(c) in Northern Ireland, by the Department of Justice,

and a reference in these Regulations to a "Central Authority" means any of the Lord Chancellor, the Welsh Ministers or the Department of Justice in so far as they have functions under this regulation.

(2) If a person outside the United Kingdom does not know to which Central Authority in the United Kingdom a communication should be addressed, the person may address it to the Lord Chancellor.

10 Requests for information by Central Authority where request received under Article 31(c)

(1) Paragraphs (2), (3) and (4) apply if a Central Authority receives a request for assistance under Article 31(c) of the Convention (either directly or via another Central Authority in the United Kingdom).

(2) The Lord Chancellor may request information about the whereabouts of a child from—

(a) a local authority in England, or

(b) the Secretary of State.

(3) The Welsh Ministers may request information about the whereabouts of a child from—

(a) a local authority in Wales,

(b) a Local Health Board (within the meaning given by section 11 of the National Health Service (Wales) Act 2006), or

- (c) an NHS Trust (within the meaning given by section 18 of that Act).
- (4) The Department of Justice may request information about the whereabouts of a child from a public authority in Northern Ireland, but may do so only in circumstances where a requirement to provide information could be imposed on the public authority by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).
- (5) A person (other than a court in Northern Ireland) who receives a request for information under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (6)).
- (6) Nothing in this regulation requires a person to disclose information if—
 - (a) Article 37 of the Convention applies, or
 - (b) the disclosure would constitute contempt of court or a criminal offence.
- (7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.
- (8) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.

11 Requests for information under Council Regulation

- (1) This regulation applies if the designated Central Authority in England and Wales under Article 53 of the Council Regulation receives a request for information from another member State under Article 55(a)(i) of the Council Regulation.
- (2) The designated Central Authority in England and Wales may request information about the whereabouts of a child from—
 - (a) a local authority in England,
 - (b) a local authority in Wales,
 - (c) the Secretary of State,
 - (d) an officer of the Children and Family Court Advisory and Support Service,
 - (e) a Welsh family proceedings officer,
 - (f) a Local Health Board (within the meaning given by section 11 of the National Health Service (Wales) Act 2006), or
 - (g) an NHS Trust (within the meaning given by section 18 of that Act).
- (3) The designated Central Authority in England and Wales may request a report on the situation of a child from—
 - (a) a local authority in England,
 - (b) a local authority in Wales,
 - (c) an officer of the Children and Family Court Advisory and Support Service, or
 - (d) a Welsh family proceedings officer.
- (4) A person who receives a request for information under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (5)).
- (5) Nothing in this regulation requires a person to disclose information if the disclosure would constitute contempt of court or a criminal offence.
- (6) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.
- (7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.

12 Power to request report on child's situation

- (1) This regulation applies where a Central Authority thinks it appropriate to provide a report on the situation of a child under Article 32(a) of the Convention.
- (2) The Lord Chancellor may request a written report on the situation of the child from—
 - (a) a local authority in England, or
 - (b) an officer of the Children and Family Court Advisory and Support Service.
- (3) The Welsh Ministers may request a written report on the situation of the child from—
 - (a) a local authority in Wales, or
 - (b) a Welsh family proceedings officer.
- (4) The Department of Justice may request a written report on the situation of the child from a public authority or other person in Northern Ireland, but may do so only in circumstances where a requirement to provide information could be imposed on the public authority or other person by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).
- (5) A person in England and Wales or any public authority, other than a court, in Northern Ireland who receives a request for a report under this regulation must comply with the request as soon as reasonably practicable (but this is subject to paragraph (6)).
- (6) Nothing in this regulation requires a person to disclose information if—
 - (a) Article 37 of the Convention applies, or
 - (b) the disclosure would constitute contempt of court or a criminal offence.
- (7) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute contempt of court, the person must notify the court.
- (8) If a person who receives a request under this regulation thinks that it is desirable, in responding to the request, to refer to information the disclosure of which would constitute a criminal offence unless the disclosure were authorised by a court, the person must notify the court.

13 Local authorities and Northern Ireland authorities: requirement to provide a report

- (1) This regulation applies if a local authority in England and Wales or a Northern Ireland authority is contemplating—
 - (a) placing a child in another Contracting State, within the meaning given by Article 33 of the Convention, or
 - (b) placing a child in another member State, within the meaning given by Article 56 of the Council Regulation.
- (2) Either the court or the local authority or Northern Ireland authority, whichever has jurisdiction under Articles 5 to 10 of the Convention or Articles 8 to 14 of the Council Regulation, as the case may be ("the authority")—
 - (a) must provide a report to the Central Authority, or other competent authority, of the other Contracting State in accordance with Article 33(1) of the Convention, if the authority is exercising jurisdiction under the Convention, or
 - (b) must consult the Central Authority, or other competent authority, of the other member State in accordance with Article 56 of the Council Regulation, if the authority is exercising jurisdiction under the Council Regulation.

14 Power to respond to a request under Article 34

A public authority in England and Wales or Northern Ireland may provide information in response to a request communicated to it by the Central Authority under Article 34 of the Convention.

15. Northern Ireland: power of court to authorise disclosure

...

16 Services under Article 35

- (1) The Secretary of State may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.
- (2) The Welsh Ministers may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.
- (3) The Department of Justice may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.
- (4) A request under Article 35(2) of the Convention is to be made—
 - (a) if the parent making the request resides in England and Wales, to the local authority in whose area the parent resides, and
 - (b) if the parent making the request resides in Northern Ireland, to the Department of Justice.
- (5) A local authority in England may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.
- (6) A local authority in Wales may charge a reasonable fee in respect of the provision of a service under Article 35(1) or (2) of the Convention.
- (7) A fee is "reasonable" for the purposes of this regulation if the income from fees of that kind equates as nearly as possible to the costs of providing the service to which the fees relate (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

17 Amendments to other enactments

The Schedule contains amendments to other enactments consequential on the entry into force of the Convention for the United Kingdom

SCHEDULE CONSEQUENTIAL AMENDMENTS

Regulation 17

1

...

Senior Courts Act 1981

2

In paragraph 3 of Schedule 1 to the Senior Courts Act 1981 (matters assigned to the Family Division), after sub-paragraph (f)(v) insert—

"(vi) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;"

Child Abduction and Custody Act 1985

3

In section 9 of the Child Abduction and Custody Act 1985 (suspension of court's powers in cases of wrongful removal), after paragraph (b) insert—

"(ba) registering or enforcing a decision under the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 ("the 1996 Convention"), except where provisions of the 1996 Convention are invoked in accordance with Article 50 of the 1996 Convention;"

Family Law Act 1986

4

The Family Law Act 1986 is amended as follows.

5

In section 2—

- (a) in subsection (1)(a), after "the Council Regulation" insert "or the Hague Convention",
- (b) in subsection (1)(b), for "the Council Regulation does not apply" substitute "neither the Council Regulation nor the Hague Convention applies",
- (c) in subsection (3)(a), after "the Council Regulation" insert "or the Hague Convention", and
- (d) in subsection (3)(b), for "the Council Regulation does not apply" substitute "neither the Council Regulation nor the Hague Convention applies".

6

(1) In section 5(2) (power of court to refuse application or stay proceedings: England and Wales)—

- (a) after paragraph (a) leave out "or",
- (b) after paragraph (b) leave out "or",
- (c) after paragraph (c) insert ", or" and insert
- "(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction)," and
- (d) after "Article 15" in the words following paragraph (c), insert "of the Council Regulation or Article 8 of the Hague Convention".

(2) After section 5(3A) insert—

"(3AA) The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—

- (a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or
- (b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction."

(3) In section 5(3B) for "or (3A)" substitute ", (3A) or (3AA)".

7

In section 19—

- (a) in subsection (1)(a), after "the Council Regulation" insert "or the Hague Convention",
- (b) in subsection (1)(b), for "the Council Regulation does not apply" substitute "neither the Council Regulation nor the Hague Convention applies",
- (c) in subsection (3)(a), after "the Council Regulation" insert "or the Hague Convention", and
- (d) in subsection (3)(b), for "the Council Regulation does not apply" substitute "neither the Council Regulation nor the Hague Convention applies".

8

(1) In section 22(2) (power of court to refuse application or stay proceedings: Northern Ireland)—

- (a) after paragraph (a) leave out "or",
- (b) after paragraph (b) leave out "or",
- (c) after paragraph (c) insert ", or" and insert
- "(d) that it should exercise its powers under Article 8 of the Hague Convention (request to authority in another Contracting State to assume jurisdiction)," and
- (d) after "Article 15" in the words following paragraph (c), insert "of the Council Regulation or Article 8 of the Hague Convention".

(2) After section 22(3A) insert—

"(3B) The court may remove a stay granted in order for it to exercise its powers under Article 8 of the Hague Convention, and withdraw any request made by it to an authority in another Contracting State to assume jurisdiction, if—

- (a) the authority in the other Contracting State does not assume jurisdiction within the period for which the court granted the stay, or
- (b) the parties do not, within the period specified by the court, request the authority in the other Contracting State to assume jurisdiction."

9

In section 42(1) (interpretation), after the definition of "the Council Regulation" insert—

"the Hague Convention" means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996."

Mental Capacity Act 2005

10

In Schedule 3 to the Mental Capacity Act 2005—

- (a) in paragraph 4 (adults with incapacity), after "means" insert (subject to sub-paragraph (2)), and
- (b) after the existing provision in paragraph 4 (which becomes sub-paragraph (1)), insert—

"(2) But "adult" does not include a child to whom either of the following applies—

- (a) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;
- (b) Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility."

B23

Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975

- 1**
This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Designation of Reciprocating Countries) Order 1975 and shall come into operation on 28th January 1976.
- 2.—**
(1) In this Order—
"the Act of 1972" means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
"the Act of 1920" means the Maintenance Orders (Facilities for Enforcement) Act 1920;
"column (1)" and "column (2)" mean respectively columns (1) and (2) of the Schedule to this Order.
(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 3**
Each of the countries and territories specified in column (1) is hereby designated as a reciprocating country for the purposes of Part I of the Act of 1972 as regards maintenance orders of the description specified in respect of that country or territory in column (2).
- 4.—**
(1) Sections 5, 12 to 15, 17, 18 and 21 of the Act of 1972 shall apply in relation to a maintenance order transmitted under section 2 or 3 of the Act of 1920 to one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied, as they apply in relation to a maintenance order sent to that country or territory in pursuance of section 2 of the Act of 1972 or made by virtue of section 3 or 4 of the Act of 1972 and confirmed by a competent court in that country or territory.
(2) Sections 8 to 21 of the Act of 1972 shall apply in relation to a maintenance order made in one of the countries and territories specified in column (1), being an order of the description specified in respect of that country or territory in column (2) to which immediately before the coming into operation of this Order the Act of 1920 applied and not being an order which immediately before that date is registered in the High Court or the High Court of Justice in Northern Ireland under section 1 of the Act of 1920, as they apply in relation to a registered order.
(3) A maintenance order made by a court in one of the countries and territories specified in column (1) being an order of the description specified in respect of that country or territory in column (2) which has been confirmed by a court in England, Wales or Northern Ireland under section 4 of the Act of 1920 and is in force immediately before the coming into operation of this Order, shall be registered under section 7(5) of the Act of 1972 in like manner as if it had been confirmed by that court in England, Wales or Northern Ireland under subsection (2) of that section.
(4) Any proceedings brought under or by virtue of any provision of the Act of 1920 in a court in England, Wales or Northern Ireland which are pending immediately before the coming into operation of this Order, being proceedings affecting a person resident in one of the countries and territories specified in column (1), shall be continued as if they had been brought under or by virtue of the corresponding provision of the Act of 1972.

Schedule 1 COUNTRIES AND TERRITORIES DESIGNATED AS RECIPROCATING COUNTRIES

-1	-2
Country or territory	Description of maintenance orders to which designation extends
Barbados	Maintenance orders generally.
Bermuda	Maintenance orders generally.
Ghana	Maintenance orders other than— (a) affiliation orders, and (b) maintenance orders of the description contained in paragraph (b) of the definition of "maintenance order" in the said section 21(1).
India	Maintenance orders other than— (a) affiliation orders, (b) maintenance orders of the description contained in paragraph (b) of the definition of "maintenance order" in the said section 21(1); and (c) orders obtained by or in favour of a public authority.
Kenya	Maintenance orders other than— (a) affiliation orders, and (b) maintenance orders of the description contained in paragraph (b) of the definition of "maintenance order", in the said section 21(1).
[Malta] Repealed	[Maintenance orders generally.]
New Brunswick	Maintenance orders other than— (a) affiliation orders; (b) maintenance orders of the description contained in +paragraph (b) of the definition of "maintenance order" in the said section 21(1); and (c) orders obtained by or in favour of a public authority.
Northwest Territories of Canada	Maintenance orders other than— (a) affiliation orders; (b) maintenance orders of the description contained in paragraph (b) of the definition of "maintenance order" in the said section 21(1); and (c) orders obtained by or in favour of a public authority.
The Republic of South Africa	Maintenance orders other than— (a) affiliation orders, and (b) maintenance orders of the description contained in paragraph (b) of the definition of "maintenance order" in the said section 21(1).

B24

Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

1

This Order may be cited as the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 and shall come into force on 5th April 1993.

2

In this Order, unless the context otherwise requires—

"Act" means the Maintenance Orders (Reciprocal Enforcement) Act 1972 (1);

"court in a Hague Convention country" includes any judicial or administrative authority in a Hague Convention country;

"Hague Convention" means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations concluded at The Hague on 2nd October 1973; and

"Hague Convention country" means a country or territory specified in Schedule 1 to this Order, being a country or territory (other than the United Kingdom) in which the Hague Convention is in force.

3.—

(1) The provisions of Part I of the Act shall apply in relation to a Hague Convention country as they apply in relation to a reciprocating country, subject to the exceptions, adaptations and modifications set out in Schedule 2 to this Order.

(2) Accordingly, Part I of the Act shall, in relation to—

(a) maintenance orders made by courts in the United Kingdom against persons in a Hague Convention country, and

(b) maintenance orders made by courts in a Hague Convention country against persons in the United Kingdom,

have effect as set out in Schedule 3 to this Order.

4

The Orders specified in Schedule 4 to this Order are hereby revoked.

Schedule 1

HAGUE CONVENTION COUNTRIES

Article 2

Australia

...

...

...

...

...

...

...

...

...

...

...

...

...

...

... Norway

...

...

...

...

...

...

...

...

...

...

...

...

... Switzerland

...

...

Turkey

Schedule 2 MODIFICATIONS TO PART I OF THE ACT

1

Section 1 shall not apply.

2.—

(1) Section 2 shall be amended as follows.

(2) In subsection (1)—

(a) for the words "before or after the commencement of this Part of this Act" there shall be substituted the words "before, on or after 5th April 1993";

(b) the words "or has assets" shall be omitted;

(c) for the word "reciprocating" there shall be substituted the words "Hague Convention"; and

(d) before the word "enforcement" there shall be inserted the words "recognition and".

(3) In subsection (2), for the words "provisional order" there shall be substituted the words "maintenance order made under section 3 of this Act".

(4) In subsection (4)—

(a) the words "or has assets" shall be omitted;

(b) for the word "reciprocating" where it first occurs there shall be substituted the words "Hague Convention";

(c) for paragraph (b), there shall be substituted—

"(b) a certificate signed by that officer certifying that the order is enforceable and that it is no longer subject to the ordinary forms of review;";

(d) the words "and the nature and location of his assets in that country", in both places where they occur, shall be omitted;

(e) in paragraph (e), the word "and" shall be omitted;

(f) after paragraph (f), there shall be inserted:

"(g) a written statement signed by that officer as to whether or not the payer appeared in the proceedings in which the maintenance order was made and, if he did not appear, the original or a certified copy of a document which establishes that notice of the institution of the proceedings, including notice of the substance of the claim, was served on the payer;

(h) a document which establishes that notice of the order was sent to the payer; and

(i) a written statement signed by that officer as to whether or not the payee received legal aid either in the said proceedings or in connection with the said application;";

(g) after the words "that officer" where they last occur there shall be inserted the words ", in the case of a court in England and Wales or Northern Ireland, to the Lord Chancellor, or in the case of a court in Scotland,;";

(h) after the words "transmitted by" there shall be inserted the words "the Lord Chancellor, or, as the case may be,;"; and

(i) for the words "responsible authority in the reciprocating country" there shall be substituted the words "appropriate authority in the Hague Convention country".

(5) In subsection (5), after the words "applies, and" there shall be inserted the words "subject to section 5".

3.—

(1) Section 3 shall be amended as follows.

(2) For subsection (1) there shall be substituted—

"(1) This section applies to an application made to the family court in England and Wales if—

(a) the application is an application for a maintenance order against a person residing in a Hague Convention country, and

(b) the court has jurisdiction to entertain the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.;

(3) Subsection (2) shall be omitted.

(4) For subsection (5) there shall be substituted—

"(5) On the making of an application to which subsection (1) above applies, the following documents, that is to say—

(a) notice of the institution of the proceedings, including notice of the substance of the application;

(b) a statement signed by the prescribed officer of the court giving such information as he possesses as to the whereabouts of the respondent;

(c) a statement giving such information as the officer possesses for facilitating the identification of the respondent; and

(d) where available, a photograph of the respondent,

shall be sent by that officer to the Lord Chancellor with a view to their being transmitted by the Lord Chancellor to the appropriate authority in the Hague Convention country in which the respondent is residing for service on him of the document mentioned in paragraph (a) above if the Lord Chancellor is satisfied that the statement relating to the whereabouts of the respondent gives sufficient information to justify that being done.”.

(5) For subsection (6) there shall be substituted—

“(6) In considering whether or not to make a maintenance order pursuant to an application to which subsection (1) above applies the court shall take into account any representations made and any evidence adduced by or on behalf of the respondent.

(6A) Where the respondent makes any representations or adduces any evidence, a copy of the representations or evidence shall be served on the applicant by the prescribed officer of the court before the hearing.

(6B) The prescribed officer of the court shall give the respondent notice in writing of the date fixed for the hearing by sending the notice by post addressed to his last known or usual place of abode.

(6C) A maintenance order pursuant to an application to which subsection (1) above applies shall not be made unless the document mentioned in paragraph (a) of subsection (5) above has been served on the respondent in accordance with the law for the service of such documents in the Hague Convention country in which he is residing or in such other manner as may be authorised by the Lord Chancellor not less than six weeks previously.

(6D) Where a maintenance order has been made pursuant to an application to which subsection (1) applies, the prescribed officer of the court shall send the following documents, that is to say—

(a) a certified copy of the order;

(b) a certificate signed by that officer certifying that the order is enforceable and that it is no longer subject to the ordinary forms of review;

(c) a written statement, signed by that officer as to whether or not the respondent appeared in the proceedings in which the order was made, and, if he did not appear, the original or a certified copy of a document which establishes that the document mentioned in paragraph (a) of subsection (5) above has been served on the payer in accordance with subsection (6C) above;

(d) a document which establishes that notice of the order was sent to the respondent; and

(e) a written statement signed by that officer as to whether or not the applicant received legal aid in the proceedings,

to the Lord Chancellor with a view to their being transmitted by him to the appropriate authority in the Hague Convention country in which the respondent resides for recognition and enforcement of the order.

(6E) A maintenance order made pursuant to an application to which subsection (1) applies may, subject to section 5 of this Act, be enforced, varied or revoked in like manner as any other maintenance order made by the family court.”.

(6) For subsection (7)(a) substitute—

“(a) for subsection (1) there shall be substituted—

(1) This section applies where a complaint is made to a magistrates’ court in Northern Ireland if—

(a) the complaint is a complaint for a maintenance order against a person residing in a Hague Convention country, and

(b) the court has jurisdiction to entertain the complaint by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.”.

...

5

For section 5 there shall be substituted—

“5.—

(1) This section applies to a maintenance order a certified copy of which has been sent to a Hague Convention country for recognition and enforcement of the order, and in relation to which the court has jurisdiction to entertain proceedings for revocation or variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

...

...

(4) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country, the prescribed officer of the court shall send to the Lord Chancellor notice of the institution of the proceedings, including notice of the substance of the application, with a view to its being transmitted by him to the appropriate authority in the Hague Convention country for service on the payer.

(5) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country—

(a) the court, in considering whether or not to vary or revoke the order, shall take into account any representations made and any evidence adduced by or on behalf of the payer;

(b) a copy of any such representations or evidence shall be served on the payee in the prescribed manner before the hearing;

(c) the prescribed officer of the court shall give the payer notice in writing of the date fixed for the hearing by sending the notice by post addressed to his last known or usual place of abode.

(6) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country, the order shall not be varied or revoked unless the document mentioned in subsection (4) above has been served on the payer in accordance with the law for the service of such a document in the Hague Convention country not less than six weeks previously.

(7) Where an application is made by the payer to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, the prescribed officer of the court shall arrange for the service of the document mentioned in subsection (4) above on the payee.

(8) Where an order to which this section applies has been varied or revoked by a court in the United Kingdom the prescribed officer of the court shall send the following documents, that is to say—

(a) a certified copy of the order of variation or revocation;

(b) a certificate signed by that officer certifying that the order of variation or revocation is enforceable and that it is no longer subject to the ordinary forms of review;

(c) a written statement, signed by that officer as to whether or not the respondent or, in Scotland the defender, appeared in the proceedings for the variation or revocation of the order, and, if he did not appear, the original or a certified copy of a document which establishes that notice of the institution of the proceedings has been served on the respondent, or, as the case may be, the defender; and

(d) a document which establishes that notice of the order of variation or revocation was sent to the respondent; and

(e) a written statement signed by that officer as to whether or not the payer or the payee received legal aid in the proceedings,

in the case of a court in England and Wales or Northern Ireland, to the Lord Chancellor, or, in the case of a court in Scotland, to the Secretary of State, with a view to their being transmitted by him to the appropriate authority in the Hague Convention country for recognition and enforcement of the order of variation or revocation.

(9) Where a maintenance order to which this section applies has been varied by an order made by a court in the United Kingdom ... the maintenance order shall, as from the date on which the order of variation took effect, have effect as varied by that order.

(10) Where a maintenance order to which this section applies has been revoked by an order made by a court in the United Kingdom ... the maintenance order shall, as from the date on which the order of revocation took effect, be deemed to have ceased to have effect except as respects any arrears due under the maintenance order at that date.

...

(12) In the application of this section to Northern Ireland, in subsection (8), for the word “respondent”, in each place where it occurs, there shall be substituted “defendant”.

6

For section 6 there shall be substituted—

“6.—

(1) This section applies to a maintenance order made whether before, on or after 5th April 1993 by a competent court in a Hague Convention country.

(2) Where a certified copy of an order to which this section applies is received by the Lord Chancellor or the Secretary of State from a Hague Convention country, and it appears to him that the payer under the order is residing in the United Kingdom, he shall send the copy of the order and the accompanying documents to the prescribed officer of the appropriate court.

(3) Where the prescribed officer of the appropriate court receives from the Lord Chancellor or the Secretary of State a certified copy of an order to which this section applies, he shall, subject to the following subsections, register the order in the prescribed manner in that court.

(4) Before registering an order under this section an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer under the order is residing within the jurisdiction of the court, and, if after taking those steps he is satisfied that the payer is not so residing he shall return the certified copy of the order and the accompanying documents to the Lord Chancellor or the Secretary of State, as the case may be, with a statement giving such information as he possesses as to the whereabouts of the payer.

-5

(a) The prescribed officer of the appropriate court may refuse to authorise the registration of the order if the court in the Hague Convention country by or before which the order was made did not have jurisdiction to make the order; and for these purposes a court in a Hague Convention country shall be considered to have jurisdiction if—

(i) either the payer or the payee had his habitual residence in the Hague Convention country at the time when the proceedings were instituted; or

(ii) the payer and the payee were nationals of that country at that time; or

(iii) the respondent in those proceedings had submitted to the jurisdiction of the court, either expressly or by defending on the merits of the case without objecting to the jurisdiction; or

(iv) in the case of an order made by reason of a divorce or a legal separation or a declaration that a marriage is void or annulled, the court is recognised by the law of the part of the United Kingdom in which enforcement is sought as having jurisdiction to make the order.

(b) In deciding whether a court in a Hague Convention country had jurisdiction to make an order the prescribed officer shall be bound by any finding of fact on which the court based its jurisdiction.

(6) The prescribed officer of the appropriate court may refuse to authorise the registration of the order—

(a) if such registration is manifestly contrary to public policy;

(b) if the order was obtained by fraud in connection with a matter of procedure;

(c) if proceedings between the same parties and having the same purpose are pending before a court in the same part of the United Kingdom and those proceedings were the first to be instituted; or

(d) if the order is incompatible with an order made in proceedings between the same parties and having the same purpose, either in the United Kingdom or in another country, provided that the latter order itself fulfils the conditions necessary for its registration and enforcement under this Part of this Act.

(7) Without prejudice to subsection (6) above, if the payer did not appear in the proceedings in the Hague Convention country in which the order was made, the prescribed officer of the appropriate court shall refuse to authorise the registration of the order unless notice of the institution of the proceedings, including notice of the substance of the claim, was served on the payer in accordance with the law of that Hague Convention country and if, having regard to the circumstances, the payer had sufficient time to enable him to defend the proceedings.

(8) If the order is registered under subsection (3) above, the prescribed officer of the appropriate court shall serve notice in a prescribed form on the payer and give notice to the payee that the order has been registered.

(9) The payer may, before the end of the period of one calendar month beginning with the date of service of the said notice, appeal to the court in which the order is registered to set aside the registration of the order on one of the grounds set out in paragraphs (5), (6) and (7) above.

(10) If the payer appeals to the court in which the order is registered to set aside the registration of the order, the prescribed officer of the court shall give notice to the payee of the appeal and of the date of the hearing of the appeal.

(11) If the prescribed officer refuses to register the order, he shall give notice to the payee in a prescribed form that registration has been refused.

(12) A payee to whom notice has been given by the prescribed officer of any court under subsection (11) above may, before the end of the period of two calendar months beginning with the date when notice was given, appeal to that court against the refusal to register the order.

(13) If the payee appeals to the court against the refusal to register the order, the prescribed officer of the court shall give notice to the payer of the appeal and of the date of the hearing of the appeal.

(14) In the application of this section to Scotland—

(a) in subsection (8), for the words “serve notice in a prescribed form on” there shall be substituted the words “intimate to in the prescribed manner”;

(b) in subsection (9), for the words “service of the said notice” there shall be substituted the words “the said intimation”;

(c) in subsections (9), (10), (12) and (13), for any reference to an appeal there shall be substituted a reference to an application and cognate expressions shall be construed accordingly; and

(d) in subsection (11), for the words “in a prescribed form” there shall be substituted the words “in the prescribed manner”.

(15) In the application of this section to Northern Ireland, in subsection (5), for the word “respondent” there shall be substituted “defendant”.

7

Section 7 shall not apply.

8.—

(1) Section 8 shall be amended as follows.

(2) In subsection (1), for the words “subsection (2)” there shall be substituted the words “subsections (2), (2A) and (2B)”.

(3) After subsection (2), there shall be inserted—

“(2A) Where in a maintenance order made in a Hague Convention country there are provisions which are not enforceable under this Part of this Act, this section shall apply only to the remaining provisions of the order.

(2B) The payee under a registered order may request the partial enforcement of that order.”.

...

(5) In subsection (5), the words “or facilitating the enforcement of” shall be omitted.

(6) For subsections (7), (8) and (9) there shall be substituted—

“(7) Subject to subsection (8) below, a sum of money payable under a registered order shall be payable in accordance with the order, or such part thereof as the payee may have requested should be enforced, as from the date on which the order took effect.

(8) Where a registered order was made by a court in a Hague Convention country before the date of the entry into force of the Hague Convention between the United Kingdom and that country, no sum of money falling due before that date shall be payable in accordance with the order.

(9) In the application of this section to Scotland—

(a) subsections (2) to (5) shall be omitted; and

(b) in subsection (6), for the word “evidence” there shall be substituted the words “sufficient evidence”.

9.—

(1) Section 9 shall be amended as follows.

(2) For subsection (1) there shall be substituted—

“(1) Subject to the provisions of this section—

(a) the registering court shall have the like power, on an application made by the payer or payee under a registered order, to vary the method of payment of the order as if it had been made by the registering court and as if that court had had jurisdiction to make it.

...

...

(3) Subsections (1A) and (1B) shall be omitted.

(4) For subsections (2) to (11) there shall be substituted—

...

...

...

...

...

...

...

...

...

...

...

(8) Where a registered order has been varied by the registering court or by a court in a Hague Convention country, the prescribed officer of the registering court shall register the variation order in the prescribed manner.

(8A) Where a registered order has been made by a court in a Member State of the European Union which was a Hague Convention country before 18th June 2011, and that court varies the order on or after that date—

(a) subsection (8) does not apply;

(b) the prescribed officer of the registering court shall record the variation of the order against the original registration.

(9) Where a registered order has been varied by the registering court or by a court in a Hague Convention country, the registered order shall, as from the date on which the variation order took effect, have effect as so varied.

(10) In the application of this section to Northern Ireland, in subsections (2) and (7), for the word “respondent” in each place where it occurs, there shall be substituted “defendant”.

(11) This section shall not apply to a court in Scotland.

10.—

(1) Section 10 shall be amended as follows.

(2) For subsection (1) there shall be substituted—

“(1) Where a registered order is revoked by an order made by a court in a Hague Convention country and notice of the revocation is received by the registering court, the prescribed officer of the registering court shall cancel the registration; but any arrears due under the registered order at the date on which the order of revocation took effect, other than, in the case of a registered order made by a court in a Hague Convention country before the date of the entry into force of the Hague Convention between the United Kingdom and that country, arrears due before that date, shall continue to be recoverable as if the registration had not been cancelled.”.

(3) In subsection (2)—

(a) in relation to England and Wales and Northern Ireland, for the words “is not residing within the jurisdiction of that court and has no assets within that jurisdiction against which the order can be effectively enforced” there shall be substituted the words “has ceased to reside within the jurisdiction of that court”; and

(b) in relation to Scotland, for those words there shall be substituted the words “is not residing in Scotland”.

(4) In subsection (3), the words “or has assets” shall be omitted.

(5) In subsection (5)—

(a) for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”; and

(b) for the words “residing or has assets” there shall be substituted the words “still residing”.

(6) In subsection (6)—

(a) the words “or has assets” shall be omitted;

(b) for the words “residing and has no assets within the jurisdiction of the court” there shall be substituted the words “so residing”; and

(c) for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”.

(7) In subsection (7)—

(a) for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”; and

(b) the words “and the nature and location of his assets” shall be omitted.

(8) In subsection (8), in paragraph (a), the word “and” shall be omitted and after paragraph (b) there shall be inserted—

“; and

(c) for the words “Lord Chancellor”, in each place where they occur, there shall be substituted the words “Secretary of State”.

11.—

(1) Section 11 shall be amended as follows.

(2) In subsection (1)—

(a) the words “at any time” shall be omitted;

(b) after the words “appears to” there shall be inserted the words “the Lord Chancellor or”;

(c) the words “and has no assets” shall be omitted;

(d) for the word “responsible” where it first occurs there shall be substituted the word “appropriate”;

(e) the words “or, if having regard to all the circumstances he thinks it proper to do so, to the responsible authority in another reciprocating country” and the words “and a certified copy of any order varying that order” shall be omitted;

(f) after the words “information as” there shall be inserted the words “the Lord Chancellor or”; and

(g) the words “and the nature and location of his assets” shall be omitted.

(3) Subsection (2) shall be omitted.

12

For section 12 there shall be substituted—

“12.

Where in pursuance of section 9 above a registering court makes or refuses to make an order varying a registered order, the payer or the payee under the registered order shall have the like right of appeal (if any) from the order of variation or from the refusal to make it as he would have if the registered order had been made by the registering court.”.

13.—

(1) Section 13 shall be amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for the word “reciprocating” there shall be substituted the words “Hague Convention”;

(b) after paragraph (c) there shall be added—

“or

(d) a document purporting to be signed by a judicial officer, official or other competent person in a Hague Convention country which establishes that certain documents were served on a person.”.

(3) In subsection (2), for the words “judge, magistrate” there shall be substituted the words “judicial officer”.

(4) In subsection (3), the word “magistrate” shall be omitted.

14.—

(1) Section 14 shall be amended as follows.

(2) In subsection (1)—

(a) for the word “reciprocating” there shall be substituted the words “Hague Convention”;

(b) for the words from “in the prescribed manner” to the end there shall be substituted the following words—
“by the prescribed officer of the court—
(a) in England and Wales or Northern Ireland, to the Lord Chancellor, or
(b) in Scotland, to the Secretary of State,
for transmission to the appropriate authority in the Hague Convention country”.

(3) In subsection (2), for paragraphs (a) and (b) there shall be substituted the words “out of moneys provided by Parliament”.

(4) In subsections (3) and (4) respectively, for the word “reciprocating” there shall be substituted the words “Hague Convention”.

(5) For subsection (5) there shall be substituted—
“(5) A court in—
(a) England and Wales or Northern Ireland may for the purpose of any proceedings in that court under this Part of this Act relating to a maintenance order to which this Part of this Act applies send to the Lord Chancellor, or
(b) Scotland may for the purpose of such proceedings in that court relating to such an action, send to the Secretary of State,
for transmission to the appropriate authority in a Hague Convention country a request for a court in a Hague Convention country to take or provide evidence relating to such matters as may be specified in the request.”.

15.—

(1) Section 15 shall be amended as follows.

(2) In paragraphs (a) and (c) respectively, for the word “reciprocating” there shall be substituted the words “Hague Convention”.

(3) The word “magistrate” in each place where it occurs shall be omitted.

16.—

(1) Section 16 shall be amended as follows.

(2) In subsections (3) and (5)(a), for the word “reciprocating” there shall be substituted the words “Hague Convention”.

(3) In subsection (5)(a), the words “or (if earlier) the date on which it is confirmed by a court in the United Kingdom” shall be omitted.

(4) In subsection (5)(b), for the words “a court in the United Kingdom or (if earlier) the date on which the last order varying that order is confirmed by such a court” there shall be substituted the words “the registering court”.

17

Subsections (5A) to (7) of section 17 are omitted.

18.—

(1) Section 18 shall be amended as follows.

(1A) In subsection (A1), omit “, (e)”.

(2) In subsection (1)(b), (c), (d) and (f) respectively, for the word “reciprocating” there shall be substituted the words “Hague Convention”.

(3) Subsection (1)(e) shall be omitted.

19.—

(1) Section 19 shall be amended as follows.

(2) In paragraphs (a), (b), (c) and (e) respectively, for the word “reciprocating” there shall be substituted the words “Hague Convention”.

(3) Paragraph (d) shall be omitted.

20

Section 20 shall not apply.

21.—

(1) Section 21(1) shall be amended as follows.

(2) In subsection (1)—

(a) after the word “Act” where it first occurs there shall be inserted the words “unless the context otherwise requires”;

(b) in the definition of “the appropriate court” the words “or having assets” , in each place where they occur, and the words “or has assets” shall be omitted and for the words “a sheriff court” there shall be substituted the words “the sheriff court”;

(c) in the definition of “certificate of arrears” for the words “or, as the case may be” to the end there shall be substituted the words “except any arrears that accrued before the date of the entry into force of the Hague Convention between the United Kingdom and the Hague Convention country in which the payer is residing or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at the date of the certificate.”;

(d) in the definition of “court” at the end there shall be inserted the words “and ‘competent court in a Hague Convention country’ means a court having jurisdiction on one of the grounds specified in section 6(5)(a) above.”;

(e) for the definition of “maintenance order” there shall be substituted the following definition—
“‘maintenance order’ means an order (however described), including any settlement made by or before a competent court in a Hague Convention country, of any of the following descriptions, and, in the case of an order which is not limited to the following descriptions, the part of the order which is so limited, that is to say—
(a) an order (including an affiliation order or order consequent upon an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain;
(aa) an order which has been made in Scotland, on or after the granting of a decree of divorce, for the payment of a periodical allowance by one party to the marriage to the other party;
(b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child’s father of expenses incidental to the child’s birth or, where the child has died, of his funeral expenses; and
(c) an order within the foregoing provisions of this definition made against a payer on the application of a public body which claims reimbursement of sums of money payable under the order with respect to the payee if the reimbursement can be obtained by the public body under the law to which it is subject,
and in the case of a maintenance order which has been varied (including a maintenance order which has been varied either by a court in the United Kingdom or by a competent court in a Hague Convention country whether or not the original order was made by such a court), means that order as varied: Provided that the expression ‘maintenance order’ shall not include an order made in a Hague Convention country of a description which that country or the United Kingdom has reserved the right under Article 26 of the Hague Convention not to recognise or enforce.”;

(ea) after that definition insert—
“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

(f) in the definition of “order” before the words “as respects Scotland” there shall be inserted the words “means an order however described giving effect to a decision rendered by a court and”;

(g) in the definition of “payee” at the end there shall be inserted the words “and includes a public body which has provided benefits for the payee and which is entitled ipso jure under the law to which it is subject to claim enforcement of the said order to the extent of the benefits so provided in place of the said person.”;

(h) the definitions of “provisional order” and “reciprocating country” shall be omitted;

(i) in the definition of “registered order” there shall be inserted at the end the words “and ‘registered’ and ‘registration’ shall be construed accordingly.”; and

(j) the definition of “the responsible authority” shall be omitted.

(3) Subsection (2) shall be omitted.

22

Sections 22, 23 and 24 shall not apply.

Schedule 3 PART I OF THE ACT AS MODIFIED BY SCHEDULE 2

Orders made by courts in the United Kingdom

2.— Transmission of maintenance order made in United Kingdom for recognition and enforcement in Hague Convention country.

(1) Subject to subsection (2) below, where the payer under a maintenance order made, whether before, on or after 5th April 1993, by a court in the United Kingdom is residing in a Hague Convention country, the payee under the order may apply for the order to be sent to that country for recognition and enforcement.

(2) Subsection (1) above shall not have effect in relation to a maintenance order made under section 3 of this Act or to an order by virtue of a provision of Part II of this Act.

(3) Every application under this section shall be made in the prescribed manner to the prescribed officer of the court which made the maintenance order to which the application relates.

(4) If, on an application duly made under this section to the prescribed officer of a court in the United Kingdom, that officer is satisfied that the payer under the maintenance order to which the application relates is residing in a Hague Convention country, the following documents, that is to say—
(za) a court to transfer proceedings from the family court to the High Court;
(a) a certified copy of the maintenance order;
(b) a certificate signed by that officer certifying that the order is enforceable and that it is no longer subject to the ordinary forms of review;
(c) a certificate of arrears so signed;
(d) a statement giving such information as the officer possesses as to the whereabouts of the payer;
(e) as statement giving such information as the officer possesses for facilitating the identification of the payer;
(f) where available, a photograph of the payer;
(g) a written statement signed by that officer as to whether or not the payer appeared in the proceedings in which the maintenance order was made and, if he did not appear, the original or a certified copy of a document which establishes that notice of the institution of the proceedings, including notice of the substance of the claim, was served on the payer;
(h) a document which establishes that notice of the order was sent to the payer; and
(i) a written statement signed by that officer as to whether or not the payee received legal aid either in the said proceedings or in connection with the said application,
shall be sent by that officer, in the case of a court in England and Wales or Northern Ireland, to the Lord Chancellor, or, in the case of a court in Scotland, to the Secretary of State, with a view to their being transmitted by the Lord Chancellor, or, as the case may be, the Secretary of State, to the appropriate authority in the Hague Convention country if he is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(5) Nothing in this section shall be taken as affecting any jurisdiction of a court in the United Kingdom with respect to a maintenance order to which this section applies, and subject to section 5 any such order may be enforced, varied or revoked accordingly.

3.— Power of ... court to make maintenance order against person residing in Hague Convention country.

- (1) This section applies to an application made to the family court in England and Wales if—
- (a) the application is an application for a maintenance order against a person residing in a Hague Convention country, and
 - (b) the court has jurisdiction to entertain the application by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.
- (4) No enactment (or provision made under an enactment) requiring or enabling—
- (a) a court to transfer proceedings from a magistrates' court in Northern Ireland to a country court or the High Court of Justice in Northern Ireland, or
 - (b) a magistrates' court in Northern Ireland to refuse to make an order on an application on the ground that any matter in question is one that would be more conveniently dealt with by the High Court of Justice in Northern Ireland,
- shall apply in relation to an application to which subsection (1) above applies.
- (5) On the making of an application to which subsection (1) above applies, the following documents, that is to say—
- (a) notice of the institution of the proceedings, including notice of the substance of the application;
 - (b) a statement signed by the prescribed officer of the court giving such information as he possesses as to the whereabouts of the respondent;
 - (c) a statement giving such information as the officer possesses for facilitating the identification of the respondent; and
 - (d) where available, a photograph of the respondent,
- shall be sent by that officer to the Lord Chancellor with a view to their being transmitted by the Lord Chancellor to the appropriate authority in the Hague Convention country in which the respondent is residing for service on him of the document mentioned in paragraph (a) above if the Lord Chancellor is satisfied that the statement relating to the whereabouts of the respondent gives sufficient information to justify that being done.
- (6) In considering whether or not to make a maintenance order pursuant to an application to which subsection (1) above applies the court shall take into account any representations made and any evidence adduced by or on behalf of the respondent.
- (6A) Where the respondent makes any representations or adduces any evidence, a copy of the representations or evidence shall be served on the applicant by the prescribed officer of the court before the hearing.
- (6B) The prescribed officer of the court shall give the respondent notice in writing of the date fixed for the hearing by sending the notice by post addressed to his last known or usual place of abode.
- (6C) A maintenance order pursuant to an application to which subsection (1) above applies shall not be made unless the document mentioned in paragraph (a) of subsection (5) above has been served on the respondent in accordance with the law for the service of such documents in the Hague Convention country in which he is residing or in such other manner as may be authorised by the Lord Chancellor not less than six weeks previously.
- (6D) Where a maintenance order has been made pursuant to an application to which subsection (1) applies, the prescribed officer of the court shall send the following documents, that is to say—
- (a) a certified copy of the order;
 - (b) a certificate signed by that officer certifying that the order is enforceable and that it is no longer subject to the ordinary forms of review;
 - (c) a written statement, signed by that officer as to whether or not the respondent appeared in the proceedings in which the order was made, and, if he did not appear, the original or a certified copy of a document which establishes that the document mentioned in paragraph (a) of subsection (5) above has been served on the payer in accordance with subsection (6C) above;
 - (d) a document which establishes that notice of the order was sent to the respondent; and
 - (e) a written statement signed by that officer as to whether or not the applicant received legal aid in the proceedings,
- to the Lord Chancellor with a view to their being transmitted by him to the appropriate authority in the Hague Convention country in which the respondent resides for recognition and enforcement of the order.
- (6E) A maintenance order made pursuant to an application to which subsection (1) applies may, subject to section 5 of this Act, be enforced, varied or revoked in like manner as any other maintenance order made by the family court.

...

...

5.— Variation and revocation of maintenance order made in United Kingdom.

- (1) This section applies to a maintenance order a certified copy of which has been sent to a Hague Convention country for recognition and enforcement of the order, and in relation to which the court has jurisdiction to entertain proceedings for revocation or variation of that order by virtue of the Maintenance Regulation and Schedule 6 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.
- ...
- ...
- (4) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country, the prescribed officer of the court shall send to the Lord Chancellor notice of the institution of the proceedings, including notice of the substance of the application, with a view to its being transmitted by him to the appropriate authority in the Hague Convention country for service on the payer.
- (5) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country—
- (a) the court, in considering whether or not to vary or revoke the order, shall take into account any representations made and any evidence adduced by or on behalf of the payer;
 - (b) a copy of any such representations or evidence shall be served on the payee in the prescribed manner before the hearing;
 - (c) the prescribed officer of the court shall give the payer notice in writing of the date fixed for the hearing by sending the notice by post addressed to his last known or usual place of abode.
- (6) Where an application is made by the payee to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, and the payer is residing in a Hague Convention country, the order shall not be varied or revoked unless the document mentioned in subsection (4) above has been served on the payer in accordance with the law for the service of such a document in the Hague Convention country not less than six weeks previously.
- (7) Where an application is made by the payer to a court in England and Wales or Northern Ireland for the variation or revocation of an order to which this section applies, the prescribed officer of the court shall arrange for the service of the document mentioned in subsection (4) above on the payee.
- (8) Where an order to which this section applies has been varied or revoked by a court in the United Kingdom the prescribed officer of the court shall send the following documents, that is to say—
- (a) a certified copy of the order of variation or revocation;
 - (b) a certificate signed by that officer certifying that the order of variation or revocation is enforceable and that it is no longer subject to the ordinary forms of review;
 - (c) a written statement, signed by that officer as to whether or not the respondent or, in Scotland the defender, appeared in the proceedings for the variation or revocation of the order, and, if he did not appear, the original or a certified copy of a document which establishes that notice of the institution of the proceedings has been served on the respondent, or, as the case may be, the defender; and
 - (d) a document which establishes that notice of the order of variation or revocation was sent to the respondent; and
 - (e) a written statement signed by that officer as to whether or not the payer or the payee received legal aid in the proceedings,
- in the case of a court in England and Wales or Northern Ireland, to the Lord Chancellor, or, in the case of a court in Scotland, to the Secretary of State, with a view to their being transmitted by him to the appropriate authority in the Hague Convention country for recognition and enforcement of the order of variation or revocation.
- (9) Where a maintenance order to which this section applies has been varied by an order made by a court in the United Kingdom ... the maintenance order shall, as from the date on which the order of variation took effect, have effect as varied by that order.
- (10) Where a maintenance order to which this section applies has been revoked by an order made by a court in the United Kingdom ... the maintenance order shall, as from the date on which the order of revocation took effect, be deemed to have ceased to have effect except as respects any arrears due under the maintenance order at that date.
- ...
- (12) In the application of this section to Northern Ireland, in subsection (8), for the word "respondent" in each place where it occurs, there shall be substituted "defendant".

Orders made by courts in Hague Convention countries

6.— Registration in United Kingdom court of maintenance order made in Hague Convention country.

- (1) This section applies to a maintenance order made whether before, on or after 5th April 1993 by a competent court in a Hague Convention country.
- (2) Where a certified copy of an order to which this section applies is received by the Lord Chancellor or the Secretary of State from a Hague Convention country, and it appears to him that the payer under the order is residing in the United Kingdom, he shall send the copy of the order and the accompanying documents to the prescribed officer of the appropriate court.
- (3) Where the prescribed officer of the appropriate court receives from the Lord Chancellor or the Secretary of State a certified copy of an order to which this section applies, he shall, subject to the following subsections, register the order in the prescribed manner in that court.
- (4) Before registering an order under this section an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer under the order is residing within the jurisdiction of the court, and if after taking those steps he is satisfied that the payer is not so residing he shall return the certified copy of the order and the accompanying documents to the Lord Chancellor or the Secretary of State, as the case may be, with a statement giving such information as he possesses as to the whereabouts of the payer.
- 5
- (a) The prescribed officer of the appropriate court may refuse to authorise the registration of the order if the court in the Hague Convention country by or before which the order was made did not have jurisdiction to make the order; and for these purposes a court in a Hague Convention country shall be considered to have jurisdiction if—
 - (i) either the payer or the payee had his habitual residence in the Hague Convention country at the time when the proceedings were instituted; or
 - (ii) the payer and the payee were nationals of that country at that time; or
 - (iii) the respondent in those proceedings had submitted to the jurisdiction of the court, either expressly or by defending on the merits of the case without objecting to the jurisdiction; or
 - (iv) in the case of an order made by reason of a divorce or a legal separation or a declaration that a marriage is void or annulled, the court is recognised by the law of the part of the United Kingdom in which enforcement is sought as having jurisdiction to make the order.
 - (b) In deciding whether a court in a Hague Convention country had jurisdiction to make an order the prescribed officer shall be bound by any finding of fact on which the court based its jurisdiction.
- (6) The prescribed officer of the appropriate court may refuse to authorise the registration of the order—
- (a) if such registration is manifestly contrary to public policy;
 - (b) if the order was obtained by fraud in connection with a matter of procedure;
 - (c) if proceedings between the same parties and having the same purpose are pending before a court in the same part of the United Kingdom and those proceedings were the first to be instituted; or
 - (d) if the order is incompatible with an order made in proceedings between the same parties and having the same purpose, either in the United Kingdom or in another country, provided that the latter order itself fulfils the conditions necessary for its registration and enforcement under this Part of this Act.
- (7) Without prejudice to subsection (6) above, if the payer did not appear in the proceedings in the Hague Convention country in which the order was made, the prescribed officer of the appropriate court shall refuse to authorise the registration of the order unless notice of the institution of the proceedings, including notice of the substance of the claim, was served on the payer in accordance with the law of that Hague Convention country and if, having regard to the circumstances, the payer had sufficient time to enable him to defend the proceedings.
- (8) If the order is registered under subsection (3) above, the prescribed officer of the appropriate court shall serve notice in a prescribed form on the payer and give notice to the payee that the order has been registered.
- (9) The payer may, before the end of the period of one calendar month beginning with the date of service of the said notice, appeal to the court in which the order is registered to set aside the registration of the order on one of the grounds set out in paragraphs (5), (6) and (7) above.
- (10) If the payer appeals to the court in which the order is registered to set aside the registration of the order, the prescribed officer of the court shall give notice to the payee of the appeal and of the date of the hearing of the appeal.
- (11) If the prescribed officer refuses to register the order, he shall give notice to the payee in a prescribed form that registration has been refused.
- (12) A payee to whom notice has been given by the prescribed officer of any court under subsection (11) above may, before the end of the period of two calendar months beginning with the date when notice was given, appeal to that court against the refusal to register the order.
- (13) If the payee appeals to the court against the refusal to register the order, the prescribed officer of the court shall give notice to the payer of the appeal and of the date of the hearing of the appeal.
- (14) In the application of this section to Scotland—
- (a) in subsection (8), for the words "serve notice in a prescribed form on" there shall be substituted the words "intimate to in the prescribed manner";
 - (b) in subsection (9), for the words "service of the said notice" there shall be substituted the words "the said intimation";
 - (c) in subsections (9), (10), (12) and (13) for any reference to an appeal there shall be substituted a reference to an application and cognate expressions shall be construed accordingly; and
 - (d) in subsection (11), for the words "in a prescribed form" there shall be substituted the words "in the prescribed manner".

(15) In the application of this section to Northern Ireland, in subsection (5), for the word “respondent” there shall be substituted “defendant”.

8.— Enforcement of maintenance order registered in United Kingdom court.

(1) Subject to subsections (2), (2A) and (2B) below, a registered order may be enforced in the United Kingdom as if it had been made by the registering court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

(2) Subsection (1) above does not apply to an order which is for the time being registered ... in the High Court of Justice in Northern Ireland under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966.

(2A) Where in a maintenance order made in a Hague Convention country there are provisions which are not enforceable under this Part of this Act, this section shall apply only to the remaining provisions of the order.

(2B) The payee under a registered order may request the partial enforcement of that order.

(3) Any person for the time being under an obligation to make payments in pursuance of an order registered in a court in Northern Ireland shall give notice of any change of address to the clerk of that court, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

...

...

(5) A magistrates’ court in Northern Ireland by which an order is enforceable by virtue of this section, and the officers thereof, shall take all such steps for enforcing the order as may be prescribed.

(6) In any proceedings for or with respect to the enforcement of an order which is for the time being registered in any court under this Part of this Act a certificate of arrears sent to the prescribed officer of the court shall be evidence of the facts stated therein.

(7) Subject to subsection (8) below, a sum of money payable under a registered order shall be payable in accordance with the order, or such part thereof as the payee may have requested should be enforced, as from the date on which the order took effect.

(8) Where a registered order was made by a court in a Hague Convention country before the date of the entry into force of the Hague Convention between the United Kingdom and that country, no sum of money falling due before that date shall be payable in accordance with the order.

(9) In the application of this section to Scotland—

(a) subsections (2) to (5) shall be omitted; and

(b) in subsection (6), for the word “evidence” there shall be substituted the words “sufficient evidence”.

9.— Variation of maintenance order registered in United Kingdom court.

(1) Subject to the provisions of this section—

(a) the registering court shall have the like power, on an application made by the payer or payee under a registered order, to vary the method of payment of the order as if it had been made by the registering court and as if that court had had jurisdiction to make it.

...

...

(12B) Where the registering court is a court of summary jurisdiction in Northern Ireland, Article 86 of the Magistrates’ Court (Northern Ireland) Order 1981 27 (revocation, variation etc., of orders for periodical payment) shall have effect in relation to the registered order—

(za) as if in paragraph (1) for the words “by order on complaint” there were substituted “on an application being made, by order” and for the words “revoke, revive or vary the order”, there were substituted “vary the order in accordance with paragraph (3)”;

(zab) as if paragraph (2) were omitted;

(a) as if in paragraph (3)—

(i) for the words “shall include”, there were substituted “means the”,

(ii) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “paragraph (3A)”, and

(iii) after that paragraph there were inserted—

“(3A) The powers of the court are—

(a) the power to order that payments under the order be made directly to the collecting officer;

(b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified;

(c) the power to make an attachment of earnings order under Part IX to secure payments under the order;”

(b) as if in paragraph (4) for sub-paragraph (b) there were substituted—

“(b) payments under the order are required to be made to the collecting officer by any method of payment falling within Article 85(7) (standing order, etc.);”

and as if after the words “petty sessions” there were inserted “for the petty sessions district for which the court which made the order acts”;

(c) as if in paragraph (5) for the words “to the collecting officer” there were substituted “in accordance with sub-paragraph (a) of paragraph (3A)”;

(d) as if in paragraph (7), sub-paragraph (c) and the word “and” immediately preceding it were omitted;

(e) as if in paragraph (8) for the words “sub-paragraphs (a) to (d) of Article 85(3)” there were substituted “paragraph (3A)”;

(f) as if for paragraphs (9) and (10) there were substituted the following paragraphs—

“(9) In deciding, for the purposes of paragraphs (3) and (8), which of the powers under paragraph (3A) it is to exercise, the court shall have regard to any representations made by the debtor.

(10) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (3A) as it applies for the purpose of that Article but as if for sub-paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under sub-paragraph (b) of Article 86(3A), and” .

...

...

(8) Where a registered order has been varied by the registering court or by a court in a Hague Convention country, the prescribed officer of the registering court shall register the variation order in the prescribed manner.

(8A) Where a registered order was made by a court in a Member State of the European Union which was a Hague Convention country before 18th June 2011, and that court varies the order on or after that date—

(a) subsection (8) does not apply;

(b) the prescribed officer of the registering court shall record the variation of the order against the original registration.

(9) Where a registered order has been varied by the registering court or by a court in a Hague Convention country, the registered order shall, as from the date on which the variation order took effect, have effect as so varied.

(10) In the application of this section to Northern Ireland, in subsections (2) and (7), for the word “respondent” in each place where it occurs, there shall be substituted “defendant”.

(11) This section shall not apply to a court in Scotland.

10.— Cancellation of registration and transfer of order.

(1) Where a registered order is revoked by an order made by a court in a Hague Convention country and notice of the revocation is received by the registering court, the prescribed officer of the registering court shall cancel the registration; but any arrears due under the registered order at the date on which the order of revocation took effect, other than, in the case of a registered order made by a court in a Hague Convention country before the date of the entry into force of the Hague Convention between the United Kingdom and that country, arrears due before that date, shall continue to be recoverable as if the registration had not been cancelled.

(2) Where the prescribed officer of the registering court is of opinion that the payer under a registered order has ceased to reside within the jurisdiction of that court, he shall cancel the registration of the order and, subject to subsection (3) below, shall send the certified copy of the order to the Lord Chancellor.

(3) Where the prescribed officer of the registering court, being a magistrates’ court in Northern Ireland, is of opinion that the payer is residing within the jurisdiction of another magistrates’ court in Northern Ireland in which the registering court is, he shall transfer the order to that other court by sending the certified copy of the order to the prescribed officer of that other court.

(4) On the transfer of an order under subsection (3) above the prescribed officer of the court to which it is transferred shall, subject to subsection (6) below, register the order in the prescribed manner in that court.

(5) Where the certified copy of an order is received by the Lord Chancellor under this section and it appears to him that the payer under the order is still residing in the United Kingdom, he shall transfer the order to the appropriate court by sending the certified copy of the order together with the related documents to the prescribed officer of the appropriate court and, subject to subsection (6) below, that officer shall register the order in the prescribed manner in that court.

(6) Before registering an order in pursuance of subsection (4) or (5) above an officer of a court shall take such steps as he thinks fit for the purpose of ascertaining whether the payer is so residing, and if after taking those steps he is satisfied that the payer is not residing within the jurisdiction of the court he shall send the certified copy of the order to the Lord Chancellor.

(7) The officer of a court who is required by any of the foregoing provisions of this section to send to the Lord Chancellor or to the prescribed officer of another court the certified copy of an order shall send with that copy—

(a) a certificate of arrears signed by him;

(b) a statement giving such information as he possesses as to the whereabouts of the payer; and

(c) any relevant documents in his possession relating to the case.

(8) In the application of this section to Scotland—

(a) in subsection (2), for the words “within the jurisdiction of that court” there shall be substituted the words “in Scotland”;

(b) subsections (3) and (4) shall be omitted; and

(c) for the words “Lord Chancellor”, in each place where they occur, there shall be substituted the words “Secretary of State”.

11.— Steps to be taken by Lord Chancellor or Secretary of State where payer under certain orders is not residing in the United Kingdom.

(1) If it appears to the Lord Chancellor or the Secretary of State that the payer under a maintenance order, a certified copy of which has been received by him from a Hague Convention country, is not residing in the United Kingdom or, in the case of an order which subsequently became a registered order, has ceased to reside therein, he shall send to the appropriate authority in that country—

(a) the certified copy of the order in question and a certified copy of any order varying that order;

(b) if the order has at any time been a registered order, a certificate of arrears signed by the prescribed officer;

(c) a statement giving such information as the Lord Chancellor or the Secretary of State possesses as to the whereabouts of the payer; and

(d) any other relevant documents in his possession relating to the case.

Appeals

12. Appeals

Where in pursuance of section 9 above a registering court makes or refuses to make an order varying a registered order, the payer or the payee under the registered order shall have the like right of appeal (if any) from the order of variation or from the refusal to make it as he would have if the registered order had been made by the registering court.

Evidence

13.— Admissibility of evidence given in Hague Convention country.

(1) A statement contained in—

(a) a document, duly authenticated, which purports to set out or summarise evidence given in proceedings in a court in a Hague Convention country; or

(b) a document, duly authenticated, which purports to set out or summarise evidence taken in that country for the purpose of proceedings in a court in the United Kingdom under this Part of this Act, whether in response to a request made by such a court or otherwise; or

(c) a document, duly authenticated, which purports to have been received in evidence in proceedings in a court in that country or to be a copy of a document so received; or

(d) a document purporting to be signed by a judicial officer, official or other competent person in a Hague Convention country which establishes that certain documents were served on a person,

shall in any proceedings in a court in the United Kingdom relating to a maintenance order to which this Part of this Act applies be admissible as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

(2) A document purporting to set out or summarise evidence given as mentioned in subsection (1)(a) above, or taken as mentioned in subsection (1)(b) above, shall be deemed to be duly authenticated for the purposes of that subsection if the document purports to be certified by the judicial officer or other person before whom the evidence was given, or, as the case may be, by whom it was taken, to be the original document containing or recording, or, as the case may be, summarising, that evidence or a true copy of that document.

(3) A document purporting to have been received in evidence as mentioned in subsection (1)(c) above, or to be a copy of a document so received, shall be deemed to be duly authenticated for the purposes of that subsection if the document purports to be certified by a judge or officer of the court in question to have been, or to be a true copy of a document which has been, so received.

(4) It shall not be necessary in any such proceedings to prove the signature or official position of the person appearing to have given such a certificate.

(5) Nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

14.— Obtaining of evidence needed for purpose of certain proceedings.

(1) Where for the purpose of any proceedings in a court in a Hague Convention country relating to a maintenance order to which this Part of this Act applies a request is made by or on behalf of that court for the taking in the United Kingdom of the evidence of a person residing therein relating to matters specified in the request, such court in the United Kingdom as may be prescribed shall have power to take that evidence and, after giving notice of the time and place at which the evidence is to be taken to such persons and in such manner as it thinks fit, shall take the evidence in such manner as may be prescribed.

Evidence taken in compliance with such a request shall be sent by the prescribed officer of the court—

(a) in England and Wales or Northern Ireland, to the Lord Chancellor, or

(b) in Scotland, to the Secretary of State,

for transmission to the appropriate authority in the Hague Convention country.

(2) Where any person, not being the payer or the payee under the maintenance order to which the proceedings in question relate, is required by virtue of this section to give evidence before a court in the United Kingdom, the court may order that there shall be paid out of moneys provided by Parliament such sums as appear to the court reasonably sufficient to compensate that person for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(3) Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981 (which provide for compelling the attendance of witnesses, etc.) shall apply in relation to a magistrates' court in Northern Ireland having power under subsection (1) above to take the evidence of any person as if the proceedings in the court in a Hague Convention country for the purpose of which a request for the taking of the evidence has been made were proceedings in the magistrates' court and had been begun by complaint.

(4) Paragraphs 71 and 73 of Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (which provide for the citation of witnesses, etc.) shall apply in relation to a sheriff having power under subsection (1) above to take the evidence of any person as if the proceedings in the court in a Hague Convention country for the purpose of which a request for the taking of the evidence has been made were proceedings in the sheriff court.

(5) A court in—

(a) England and Wales or Northern Ireland may for the purpose of any proceedings in that court under this Part of this Act relating to a maintenance order to which this Part of this Act applies send to the Lord Chancellor, or

(b) Scotland may for the purpose of such proceedings in that court relating to such an action, send to the Secretary of State,

for transmission to the appropriate authority in a Hague Convention country a request for a court in a Hague Convention country to take or provide evidence relating to such matters as may be specified in the request.

...

15. Order, etc. made in Hague Convention country need not be proved.

For the purposes of this Part of this Act, unless the contrary is shown—

(a) any order made by a court in a Hague Convention country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person;

(b) the person by whom the order was signed shall be deemed without further proof to have been a judge or officer, as the case may be, of that court when he signed it and, in the case of an officer, to have been authorised to sign it; and

(c) a document purporting to be a certified copy of an order made by a court in a Hague Convention country shall be deemed without further proof to be such a copy.

Supplemental

16.— Payment of sums under orders made in Hague Convention countries: conversion of currency.

(1) Payment of sums due under a registered order shall, while the order is registered in a court in England, Wales or Northern Ireland, be made in such manner and to such person as may be prescribed.

(2) Where the sums required to be paid under a registered order are expressed in a currency other than the currency of the United Kingdom, then, as from the relevant date, the order shall be treated as if it were an order requiring the payment of such sums in the currency of the United Kingdom as, on the basis of the rate of exchange prevailing at that date, are equivalent to the sums so required to be paid.

(3) Where the sum specified in any statement, being a statement of the amount of any arrears due under a maintenance order made by a court in a Hague Convention country, is expressed in a currency other than the currency of the United Kingdom, that sum shall be deemed to be such sum in the currency of the United Kingdom as, on the basis of the rate of exchange prevailing at the relevant date, is equivalent to the sum so specified.

(4) For the purposes of this section a written certificate purporting to be signed by an officer of any bank in the United Kingdom certifying that a specified rate of exchange prevailed between currencies at a specified date and that at such a rate a specified sum in the currency of the United Kingdom is equivalent to a specified sum in another specified currency shall be evidence of the rate of exchange so prevailing on that date and of the equivalent sums in terms of the respective currencies.

(5) In this section "the relevant date" means—

(a) in relation to a registered order or to a statement of arrears due under a maintenance order made by a court in a Hague Convention country, the date on which the order first becomes a registered order;

(b) in relation to a registered order which has been varied, the date on which the last order varying that order is registered in the registering court.

(6) In the application of this section to Scotland—

(a) subsection (1) shall not apply;

(b) in subsection (4), for the word "evidence" there shall be substituted the words "sufficient evidence".

17.— Proceedings in magistrates' courts.

(4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court in Northern Ireland by, to or before which any other thing was done may be done by, to or before any magistrates' court ... acting for the same petty sessions district as that court.

...

18.— Rules of court

(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c) and (f) of subsection (1) as if references in those paragraphs to a magistrates' court, or to magistrates' courts, were references to the family court.

(1) The matters referred to in subsections (A1) and (2) are —

(a) the circumstances in which anything authorised or required by this Part of this Act to be done by, to or before a magistrates' court acting in a particular petty sessions district or by, to or before an officer of that court may be done by, to or before a magistrates' court acting in such other petty sessions district as the rules may provide or by, to or before an officer of that court;

(b) the orders made, or other things done, by a magistrates' court, or an officer of such a court, under this Part of this Act, or by a court in a Hague Convention country, notice of which is to be given to such persons as the rules may provide and the manner in which such notice shall be given;

(c) the cases and manner in which courts in Hague Convention countries are to be informed of orders made, or other things done, by a magistrates' court under this Part of this Act;

(d) the cases and manner in which a justices' clerk may take evidence needed for the purpose of proceedings in court in a Hague Convention country relating to a maintenance order to which this Part of this Act applies;

(f) the circumstances and manner in which magistrates' courts may for the purposes of this Part of this Act communicate with courts in Hague Convention countries.

(1A) For the purpose of giving effect to this Part of this Act, rules of court may make, in relation to any proceedings brought under or by virtue of this Part of this Act, any provision not covered by subsection (A1) above which—

(a) falls within subsection (2) of section 93 of the Children Act 1989, and

(b) may be made in relation to relevant proceedings under that section.

(2) Rules with respect to the matters mentioned in subsection (1) above may be made in accordance with Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 in relation to proceedings or matters in magistrates' courts in Northern Ireland under this Part of this Act.

19. Rules for sheriff court.

Without prejudice to the generality of the powers conferred on the Court of Session by section 32 of the Sheriff Courts (Scotland) Act 1971 49 to regulate by act of sederunt the procedure of the sheriff court, the said powers shall include power—

(a) to prescribe the decrees granted, or other things done, by the sheriff, or an officer of the sheriff court, under this Part of this Act, or by a court in a Hague Convention country, notice of which is to be given to such persons as the act of sederunt may provide and the manner in which such notice shall be given;

(b) to provide that evidence needed for the purpose of proceedings in a court in a Hague Convention country relating to a maintenance order to which this Part of this Act applies may, in such cases and manner as the act of sederunt may provide, be taken by a sheriff clerk or sheriff clerk depute;

(c) to prescribe the cases and manner in which courts in a Hague Convention country are to be informed of decrees granted, or other things done, by the sheriff under this Part of this Act;

(e) to prescribe the circumstances and manner in which the sheriff may for the purposes of this Part of this Act communicate with courts in a Hague Convention country.

21.— Interpretation of Part I.

(1) In this Part of this Act unless the context otherwise requires—

"affiliation order" means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

"the appropriate court" —

(a) in relation to a person residing in England and Wales means the family court; and

(b) in relation to a person residing in Northern Ireland means a magistrates' court, and in relation to a person residing in Scotland means the sheriff court, within the jurisdiction of which that person is residing;

"certificate of arrears", in relation to a maintenance order, means a certificate certifying that the sum specified in the certificate is to the best of the information or belief of the officer giving the certificate the amount of the arrears due under the order at the date of the certificate except any arrears that accrued before the date of the entry into force of the Hague Convention between the United Kingdom and the Hague Convention country in which the payer is residing, or, as the case may be, that to the best of his information or belief there are no arrears due thereunder at the date of the certificate;

"certified copy", in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy;

"court" includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order and "competent court in a Hague Convention country" means a court having jurisdiction on one of the grounds specified in section 6(5)(a) above;

"maintenance order" means an order (however described), including any settlement made by or before a competent court in a Hague Convention country, of any of the following descriptions, and in the case of an order which is not limited to the following descriptions, the part of the order which is so limited, that is to say—

(a) an order (including an affiliation order or order consequent upon an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain;

(aa) an order which has been made in Scotland, on or after the granting of a decree of divorce, for the payment of a periodical allowance by one party to the marriage to the other party;

(b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child has died, of his funeral expenses; and

(c) an order within the foregoing provisions of this definition made against a payer on the application of a public body which claims reimbursement of sums of money payable under the order with respect to the payee if the reimbursement can be obtained by the public body under the law to which it is subject,

and in the case of a maintenance order which has been varied (including a maintenance order which has been varied either by a court in the United Kingdom or by a competent court in a Hague Convention country whether or not the original order was made by such a court), means that order as varied:

Provided that the expression "maintenance order" shall not include an order made in a Hague Convention country of a description which that country or the United Kingdom has reserved the right under Article 26 of the Hague Convention not to recognise or enforce;

"the Maintenance Regulation" means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

"order" means an order however described giving effect to a decision rendered by a court and, as respects Scotland, includes any interlocutor, and any decree or provision contained in an interlocutor;

"payee", in relation to a maintenance order, means the person entitled to the payments for which the order provides and includes a public body which has provided benefits for the payee and which is entitled ipso jure under the law to which it is subject to claim enforcement of the said order to the extent of the benefits so provided in place of the said person;

"payer", in relation to a maintenance order, means the person liable to make payments under the order;

"prescribed", in relation to a magistrates' court ... in Northern Ireland, means prescribed ... by rules made in accordance with Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981, ... and in relation to any other court means prescribed by rules of court;

"registered order" means a maintenance order which is for the time being registered in a court in the United Kingdom under this Part of this Act and "registered" and "registration" shall be construed accordingly;

"registering court", in relation to a registered order, means the court in which that order is for the time being registered under this Part of this Act;

"revoke" and "revocation" include discharge.

(3) Any reference in this Part of this Act to the payment of money for the maintenance of a child shall be construed as including a reference to the payment of money for the child's education.

Schedule 4 REVOCATIONS

Title	Reference
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1979	S.I. No. 1979/1317
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1981	S.I. No. 1981/837
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) (No. 2) Order 1981	S.I. No. 1981/1545
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) (No. 3) Order 1981	S.I. No. 1981/1674
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1983	S.I. No. 1983/885
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) (No. 2) Order 1983	S.I. No. 1983/1523
The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) (Variation) Order 1987	S.I. No. 1987/1282

B25

Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995

Schedule 3 PART 1 OF THE ACT AS MODIFIED BY SCHEDULE 2

17.— Proceedings in the family court in England and Wales or in magistrates' courts in Northern Ireland .

(4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court in Northern Ireland by, to or before which any other thing was done may be done by, to or before any magistrates' court ... acting for the same petty sessions district as that court.

(5) Any application which by virtue of a provision of this Part of this Act is made to a magistrates' court in Northern Ireland shall be made by complaint.

(5A) Where the respondent to an application for the variation or revocation of-

(a) a maintenance order made by the family court, being an order to which section 5 of this Act applies; or

(b) a registered order which is registered in the family court,

is residing in a specified State, the family court shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in England and Wales.

(6) A magistrates' court in Northern Ireland shall have jurisdiction-

(a) to hear a complaint for the variation or revocation of a maintenance order made by such a court, and to which section 5 of this Act applies; or

(b) to hear a complaint for the variation of a registered order which is registered in that court,

if the defendant to the complaint is residing in a specified State and if the court would have had jurisdiction to hear the complaint had the defendant been habitually resident in Northern Ireland and been served with a summons to appear before the court to answer the complaint.

(7) Where the respondent to an application-

(a) for the variation or revocation of a maintenance order made by the family court in England and Wales or a magistrates' court in Northern Ireland, and to which section 5 of this Act applies; or

(b) for the variation of a registered order registered in the family court in England and Wales or a magistrates' court in Northern Ireland,

does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in a specified State, and that the requirements of section 5(4) or (6) or section 9(2) and (4), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing as if the respondent had appeared at that time and place.

(7A) In the application of this section to Northern Ireland, in subsection (7)-

(a) for the word "respondent", in each place where it occurs, there shall be substituted "defendant"; and

(b) for the words "an application" and "the application", in each place where they occur, there shall be substituted "a complaint" and "the complaint" respectively.

B26

Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007

Schedule 1 MODIFICATIONS TO PART 1 OF THE ACT

15.—

(1) Amend section 17 as follows.

(2) For subsections (5A) , (6) and (7) substitute—

"(5A) Where the respondent to an application for the variation or revocation of a maintenance order made by the family court, being an order to which section 5 of this Act applies, is residing in the United States of America, the family court shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in England and Wales.

(6) Where the respondent to an application for the variation or revocation of a maintenance order made by a magistrates' court in Northern Ireland, being an order to which section 5 of this Act applies, is residing in the United States of America, a magistrates' court in Northern Ireland shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in Northern Ireland.

(7) Where the respondent to an application for the variation or revocation of a maintenance order made by the family court in England and Wales or a magistrates' court in Northern Ireland, and to which section 5 of this Act applies, does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in the United States of America and that the requirements of section 5(4) or (6) or section 9(2) and (4), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for an adjourned hearing as if the respondent had appeared at that time and place."

Schedule 2 PART 1 OF THE ACT AS MODIFIED BY SCHEDULE 1

17.— Proceedings in the family court in England and Wales or in magistrates' courts in Northern Ireland

(4) Anything authorised or required by this Part of this Act to be done by, to or before the magistrates' court in Northern Ireland by, to or before which any other thing was done may be done by, to or before any magistrates' court ... acting for the same petty sessions district as that court.

(5A) Where the respondent to an application for the variation or revocation of a maintenance order made by the family court, being an order to which section 5 of this Act applies, is residing in the United States of America, a magistrates' court in England and Wales shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in England and Wales.

(6) Where the respondent to an application for the variation or revocation of a maintenance order made by a magistrates' court in Northern Ireland, being an order to which section 5 of this Act applies, is residing in the United States of America, a magistrates' court in Northern Ireland shall have jurisdiction to hear the application (where it would not have such jurisdiction apart from this subsection) if it would have had jurisdiction to hear it had the respondent been habitually resident in Northern Ireland.

(7) Where the respondent to an application for the variation of a maintenance order made by the family court in England and Wales or a magistrates' court in Northern Ireland, and to which section 5 of this Act applies, does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in the United States of America, and that the requirements of section 5(4) or (6) or section 9(2) and (4), as the case may be, have been complied with, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing as if the respondent had appeared at that time and place.

B27

Recovery Abroad of Maintenance (Convention Countries) Order 1975

1

This Order may be cited as the Recovery Abroad of Maintenance (Convention Countries) Order 1975 and shall come into operation on 12th April 1975.

2

The countries and territories specified in the Schedule to this Order, being countries and territories outside the United Kingdom to which the United Nations Convention on the Recovery Abroad of Maintenance done at New York on 20th June 1956 extends, are hereby declared to be convention countries for the purposes of Part II of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

Schedule 1 CONVENTION COUNTRIES

Algeria

Australia

...

... Barbados

...

...

Bosnia and Herzegovina

Brazil

Burkina Faso

Cape Verde

Central African Republic

Chile

Croatia

...

... Ecuador

...

... Guatemala

Haiti

Holy See

...

... Israel

...

...

Mexico

Monaco

Morocco

Netherlands (... Netherlands Antilles and Aruba)

New Zealand

Niger

Norway

Pakistan

Philippines

...

... Sri Lanka

Suriname

...

Switzerland

the former Yugoslav Republic of Macedonia

Tunisia

Turkey

Uruguay

...

Yugoslavia