

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision to facilitate the application of the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007 (“the Convention”) in Northern Ireland.

The Convention will be concluded by the European Union on a date yet to be determined by virtue of Council Decision 2011/432/EU (OJNo. L 192, 22.7.2011, pages 39 to 50). European Union Member States (apart from Denmark) are bound to apply the Convention by virtue of conclusion by the European Union.

Regulation 3 designates the Department of Justice as Central Authority for Northern Ireland as required by Article 4 of the Convention.

Regulation 4 and Schedule 1 make provision for the enforcement of maintenance decisions and maintenance arrangements made in Contracting States to the Convention by the courts of Northern Ireland. Provision is also made for the treatment by the Central Authority and by the courts of an application to establish maintenance received from the Central Authority of a Contracting State.

Regulation 5 and Schedule 2 enable courts to which an application is made to enforce a maintenance decision under certain international instruments to do so by way of a driving disqualification order. For the courts of Northern Ireland, the power to impose driving disqualification is provided within the existing process for enforcement following a complaint under Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981.

Regulation 6 and Schedule 3 make provision to enable the Central Authorities for the Convention in Northern Ireland to request specific information from certain public bodies for use in recovery of maintenance in cases under the Convention. This power enables the Central Authorities to fulfil certain of their duties under the Convention (in particular, those under Article 6). The provisions broadly reflect those of Council Regulation (EC) No 4/2009 relating to cross border maintenance matters between the Member States of the European Union, and the provision made in support of that Regulation in the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 at Schedule 2.

Regulation 7 and Schedule 4 make amendments to legislation consequential upon the application of the Convention in Northern Ireland. Regulation 8 and Schedule 5 make further minor amendments consequential on the application of Council Regulation (EC) No 4/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012.