

## **EXECUTIVE NOTE**

### **THE PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN (INTERNATIONAL OBLIGATIONS) (SCOTLAND) REGULATIONS 2010**

**S.S.I 2010/213**

The above instrument was made in exercise of the powers conferred by section **2(2)** of the **European Communities Act 1972**. The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

The purpose of the instrument is to implement the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children in Scotland. This will allow us to establish uniform rules with other States in order to deliver better recognition and enforcement of measures for the protection of children and their property in cases involving more than one country. Parallel Regulations for England & Wales and Northern Ireland have been prepared to allow the UK to ratify the Convention, so that it can come into force later this year.

The Convention emphasises cooperation, both between central authorities processing applications and between competent authorities (such as courts) in Contracting States taking measures for the protection of children. For example, the Convention increases the effectiveness of any temporary measures ordered by a judge under the 1980 Hague Convention on International Child Abduction returning a child to the country from which the child was wrongfully taken or retained, by making those orders enforceable until the authorities in the country to which the child is returned are able to put in place necessary measures of protection. This should provide better continuity of protection for children across international borders.

#### **Consultation**

The Government decided in 2001, following a public consultation exercise in England & Wales and Scotland, to ratify the 1996 Convention whenever it was brought forward for implementation by the European Community (the consultation prompted only a small response, unanimously in favour of ratification). Implementation has subsequently been delayed for a number of reasons; it was not considered necessary to carry out a further consultation exercise, but we have consulted key interests about the wording of the Regulations.

#### **Equality Impact Assessment**

An Equality Impact Assessment is not considered necessary. The basic aim of these Regulations is to establish uniform rules on jurisdiction, choice of law and the recognition and enforcement of judgements in relation to measures for the protection

of children and their property, and to avoid conflicting decisions in international cases.

### **Business and Regulatory Impact Assessment**

A Business and Regulatory Assessment has not been prepared for this Instrument as it will have no impact on business, charities or voluntary bodies.

Scottish Government Justice Directorate  
24 May 2010