SCOTTISH STATUTORY INSTRUMENTS

2012 No. 301

The International Recovery of Maintenance (Hague Convention 2007) (Scotland) Regulations 2012

Maintenance arrangements

8.—(1) References in this regulation 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, these Regulations apply, subject to the modifications in paragraph (3), as if that maintenance arrangement was a maintenance decision given by a court of that State.

(3) The modifications are as follows—

(a) regulation 4 (recognition and enforcement in Scotland of maintenance decisions made by courts in Contracting States) applies to maintenance arrangements as if—

(i) in paragraph (7), for "as if the decision had originally" there were substituted "as if it were a decision which had originally"; and

(ii) after paragraph (8)(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).";

(b) regulation 5 (interest on debts under a maintenance decision) applies to maintenance arrangements as if, in paragraph (1)(b), for the word "given" there were substituted "concluded"; and

(c) regulation 7 (proof and admissibility of certain maintenance decisions and related documents) applies to maintenance arrangements as if—

(i) in 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"; and

(ii) for 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.".

(4) Section 18 (enforcement of U.K. judgments in other parts of U.K.) of the Civil Jurisdiction and Judgments Act 1982 does not apply to maintenance arrangements.