

## EXPLANATORY NOTE

These Rules provide for the procedure to be followed in magistrates' courts in England and Wales in dealing with certain claims under the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed at Brussels on 27th September 1968. The United Kingdom acceded to the Convention, by the Accession Convention signed at Luxembourg on 9th October 1978. The two Conventions are made part of the law of the United Kingdom by section 2 of the Civil Jurisdiction and Judgments Act 1982, which is to come into force on 1st January 1987.

Under the 1968 Convention maintenance orders made by a court in Contracting States other than the United Kingdom are recognised and enforceable in England and Wales by means of an application transmitted through the Secretary of State to a magistrates' court. Part II of the Rules makes provision for the procedure to be followed by justices' clerks and magistrates' courts in relation to the registration, enforcement, variation and revocation of such orders.

Article 5(2) of the 1968 Convention confers jurisdiction in matters relating to maintenance on the court for the place where the maintenance creditor is domiciled or habitually resident. Part III of the Rules makes provision for the procedure to be followed in magistrates' courts in cases where the maintenance creditor is domiciled or habitually resident in England and Wales and the debtor is residing in a Contracting State outside the United Kingdom. Part IV is concerned with the taking of evidence in England and Wales for the purposes of maintenance proceedings in another Contracting State, and the admissibility in magistrates' courts in England and Wales of evidence taken in another Contracting State.

Rule 15 gives effect to the Schedule to the Rules which makes various amendments to existing magistrates' courts' rules. These amendments are made in consequence of the amendments made by Schedule 11 to the Civil Jurisdiction and Judgments Act 1982 in relation to enforcement of lump sum orders, recovery of interest on arrears and enforcement of maintenance orders against assets.