

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS

The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993

25.—(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993⁽¹⁾ is amended as follows.

(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.

(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—

Status: This is the original version (as it was originally made).

- (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(8) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (as substituted by paragraph 9(4)) 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.”;
- (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;”.
- (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;”.