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## EXPLANATORY NOTE

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

These Rules amend the Family Procedure Rules 2010 (“the FPR 2010”) to take account of the application of the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23 November 2007 (“the 2007 Hague Convention”) in England and Wales. By virtue of Council Decision 2011/432/ EU, the 2007 Hague Convention will be concluded by the European Union on behalf of all Member States at a date after the 10th December 2012 to be determined, and that conclusion will bind Member States (except for Denmark) to apply the Convention.

Further provision is also made in relation to applications through Central Authorities under Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations (“the Maintenance Regulation”).

Rules 5, 7, 9, 10, 11, 14, 15 and 17 amend the FPR 2010 to enable an applicant wishing to establish or modify a maintenance decision in England and Wales to apply using the standard forms prepared by the Permanent Bureau of the Hague Conference (“the Hague forms”) for use with the 2007 Hague Convention rather than the usual court forms. The Hague forms, like the Maintenance Regulation forms, do not contain a statement of truth, and rules 9, 11, 14 and 15 ensure, firstly, that neither the applicants nor the respondent in such cases is automatically required to verify their financial statements by a statement of truth; but secondly, that the court can at its discretion require such verification during the course of proceedings. Rules 15 and 17 also ensure that the court has a discretion to allow a party to rely on evidence contained in an application form which has not been verified by a statement of truth.

Rule 6 addresses the problem that a foreign applicant applying for establishment or modification of maintenance through the Central Authority system of the Convention or the Maintenance Regulation will probably not be in a position to request specifically that the Court Officer issues his or her application. The request is therefore deemed to be made in cases where the Lord Chancellor (as Central Authority for England and Wales) forwards an application under either instrument.

Rules 8 and 10 amend the rules on service of documents to reduce potential risks of familial violence to the respondent resulting from the applicant discovering the respondent’s whereabouts as part of the process of service.

Rule 12 adds questions of jurisdiction under Article 18 of the 2007 Hague Convention to the procedure for determining disputes as to the court’s jurisdiction in international cases.

Rules 13 and 30 make provision to ensure that the court will provide necessary information or documents to the Lord Chancellor (as Central Authority) when requested for purposes of Central Authority functions under the Maintenance Regulation or the 2007 Hague Convention.

Rules 18 to 33 make amendments to Part 34 (concerning reciprocal enforcement of maintenance orders) to ensure that proceedings for recognition and enforcement under the 2007 Hague Convention are covered.