

SCHEDULE 4

Regulation 8

CONSEQUENTIAL AMENDMENTS

Maintenance Orders Act 1958 (c.39)

1.—(1) Section 1 ^{M1} of the Maintenance Orders Act 1958 is amended as follows.

(2) In subsection (1A), after “settlement” insert “ , arrangement ”.

^{F1}(3)

Textual Amendments

F1 Sch. 4 para. 1(3) revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

Marginal Citations

M1 1958 c.39. Section 1(1A) was inserted by section 27(3) of the Administration of Justice Act 1970 (c.31) and amended by regulation 9 of and paragraph 2(1) to (3) of Schedule 7 to S.I. 2011/1484; section 1(4) was inserted by section 22 of and paragraph 4 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18), and amended by sections 15, 23, and 36 of and Part I of Schedule 12 to the Civil Jurisdiction and Judgments Act 1982 (c.27), **article 5** of and paragraph 5 of Schedule 5

Administration of Justice Act 1970 (c.31)

2.—(1) The Administration of Justice Act 1970 is amended as follows.

(2) In section 28(1) ^{M2}, in the definition of “maintenance order”, after “settlement” insert “ , arrangement ”.

(3) In Schedule 8 (which lists maintenance orders for the purposes of the Maintenance Orders Act 1958 and Part 2 of the Administration of Justice Act 1970), after paragraph 13B ^{M3} insert—

“**13C.** A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.”.

Marginal Citations

M2 The definition of maintenance order in section 28(1) was amended by regulation 9 of and paragraph 3 of Schedule 7 to S.I. 2011/1484.

M3 Paragraph 13B was inserted by regulation 9 and paragraph 3 of Schedule 7 to S.I. 2011/1484.

Attachment of Earnings Act 1971 (c.32)

3.—(1) The Attachment of Earnings Act 1971 is amended as follows.

(2) In section 2 ^{M4}, in the definition of “maintenance order”, after “settlement” insert “ , arrangement ”.

(3) In section 3(1), after paragraph (c) insert—

[^{F2}“(ca) without prejudice to paragraphs (a) and (c) above, an officer of the family court if the application is to the family court to secure payments under a maintenance order

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described in paragraphs 13, 14, 14A or 14B of Schedule 1 and those payments are to be made to the court;”].

(4) In Schedule 1 (which lists maintenance orders to which that Act applies) after paragraph 14A^{M5} insert—

“**14B.** A decision or maintenance arrangement which is registered in a magistrates' court under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.”.

Textual Amendments

F2 Words in Sch. 4 para. 3(3) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), **145**

Marginal Citations

- M4** The definition of maintenance order in section 2 was amended by regulation 9 of, and paragraph 4 of Schedule 7 to [S.I. 2011/1484](#).
- M5** Paragraph 14A was inserted by regulation 9 of, and paragraph 4 of Schedule 7 to [S.I. 2011/1484](#).

Magistrates' Courts Act 1980 (c.43)

^{F3}4.

Textual Amendments

F3 [Sch. 4 para. 4](#) revoked (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Revocation and Sunset Disapplication\) Regulations 2023 \(S.I. 2023/1143\)](#), reg. 2(3), **Sch. 2 Pt. 1**

Civil Jurisdiction and Judgments Act 1982 (c.27)

5.—(1) The Civil Jurisdiction and Judgments Act 1982^{M6} is amended as follows.

(2) In section 18 (enforcement of UK judgments in other parts of the UK), in subsection (7), after “Act 1972” insert “, the International Recovery of Maintenance (Hague Convention 2007) Regulations 2012 ”.

(3) In section 32^{M7}(overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after “the Maintenance Regulation” insert “ or the 2007 Hague Convention ”.

(4) In section 33^{M8}(certain steps not to amount to submission to jurisdiction of overseas court), in subsection (2) after “or the Maintenance Regulation” insert “ or the 2007 Hague Convention ”.

Marginal Citations

- M6** [1982 c.27](#). The Civil Jurisdiction and Judgments Act 1982 was amended by section 3 of, and Schedule 2 to the [Civil Jurisdiction and Judgments Act 1991 \(c.12\)](#), [Article 4](#) of, and Schedule 2 to [S.I.2001/3929](#), [regulations 2, 16 and 17 of S.I.2009/3131](#) and section 226(1) of and paragraph 12 of Schedule 5 to the Bankruptcy and Diligence etc (Scotland) Act 2007 ([2007 asp 3](#)).
- M7** Subsection (4)(a) was amended by section 3 of and paragraph 14 of Schedule 2 to the [Civil Jurisdiction and Judgments Act 1991 \(c.12\)](#), [article 4](#) of and paragraph 14 of Part IV of Schedule 2 to [S.I. 2001/3929](#), and regulation 6 of and paragraphs 1 and 9 of Schedule 4 to [S.I. 2011/1484](#).

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M8 Subsection (2) was amended by section 3 of and paragraph 15 of Schedule 2 to the [Civil Jurisdiction and Judgments Act 1991 \(c.12\)](#), [article 4](#) of and paragraph 15 of Part IV of Schedule 2 to [S.I.2001/3929](#), and regulation 6 of and paragraphs 1 and 10 of Schedule 4 to [S.I. 2011/1484](#).

Social Security Administration Act 1992 (c.5)

6. In section 108 ^{M9} of the Social Security Administration Act 1992 (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State), in subsection (4)—

^{F4}(a)

(b) after paragraph (aa) insert—

“(ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and”.

Textual Amendments

F4 Sch. 4 para. 6(a) revoked (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Revocation and Sunset Disapplication\) Regulations 2023 \(S.I. 2023/1143\)](#), reg. 2(3), [Sch. 2 Pt. 1](#)

Marginal Citations

M9 Section 108 is prospectively repealed from a day to be appointed by sections 9(30(b) and 58(1) of, and Part 1 of Schedule 7 to the [Welfare Reform Act 2009 \(c.24\)](#). Subsection (4)(aa) was inserted by regulation 9 of and paragraph 14(b) of Schedule 7 to [S.I. 2011/1484](#).

Recovery Abroad of Maintenance (Convention Countries) Order 1975

7.—(1) In the Schedule to the Recovery Abroad of Maintenance (Convention Countries) Order 1975 ^{M10} the reference to Norway is revoked.

(2) At the end of the Schedule, insert—

“(For special provision about Norway, see paragraph 7 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012.)”.

(3) Despite sub-paragraph (1), Norway is^{F5}, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,] to continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to—

- (a) proceedings on an application to which section 27A, 28C or 31(1) of the Act apply and which were continuing on the coming into force date;
- (b) proceedings on an application for variation or revocation of an order registered under Part 2 of the Act which were continuing on the coming into force date;
- (c) enforcement of an order registered under Part 2 of the Act before the coming into force date or upon the making of an order in proceedings within paragraph (a).

(4) Despite sub-paragraph (1), Norway is^{F6}, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,] to

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continue to be treated as a Convention Country for the purposes of Part 2 of the Act in relation to any matter relating to maintenance which is—

- (a) within scope of the United Nations Convention on the Recovery Abroad of Maintenance done at New York on 20th June 1956^{M11}; and
 - (b) not within scope of the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007,^{F7}....
- (5) In this paragraph—

“the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972^{M12};

“the coming into force date” means the day on which the Convention on the International Recovery of Child Support and other forms of Family maintenance done at The Hague on 23rd November 2007 enters into force in respect of the [^{F8}United Kingdom].

Textual Amendments

- F5** Words in Sch. 4 para. 7(3) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(a)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 4 para. 7(4) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(a)(ii)(aa)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Sch. 4 para. 7(4)(b) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(a)(ii)(bb)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Sch. 4 para. 7(5) substituted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(a)(iii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M10** S.I.1975/423.
- M11** Cmd 6084.
- M12** 1972 c.18.

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

8.—(1) The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993^{M13} is amended as follows.

- (2) In Schedule 1, the reference to Norway is revoked.
- (3) At the end of Schedule 1, insert—

“(For special provision about Norway, see paragraph 8 of Schedule 4 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012.)”.

(4) Despite sub-paragraph (2), Norway is^{F9}, and so are Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden,] to continue to be treated as a Hague Convention Country for the purposes of Part 1 of the Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993—

- (a) in accordance with Article 48 of the 2007 Hague Convention, in relation to any matter relating to maintenance which is—

- (i) within scope of the 1973 Hague Convention, and
 - (ii) not within the scope of the 2007 Hague Convention;
 - (b) in accordance with Article 56(2) of the 2007 Hague Convention, in relation to an application for recognition and enforcement of a maintenance decision given in Norway^{F10}, Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden,] before the entry into force of that Convention for Norway^{F10}, Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands (Kingdom in Europe), Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden,] where—
 - (i) the conditions of recognition and enforcement under the 2007 Hague Convention prevent the recognition and enforcement of the decision, and
 - (ii) but for sub-paragraph (2), the decision would have been recognised and enforced under Part 1 of the Act as modified as mentioned above;
 - (c) in relation to any of the following proceedings which are continuing on the day on which these Regulations come into force in accordance with regulation 1(1)—
 - (i) proceedings for the establishment of a maintenance order under section 3 of the Act pursuant to an application made before that date, save that where a maintenance order is made in those proceedings on or after that date, recognition and enforcement of that order may not be sought pursuant to section 3(6D) and (6E);
 - (ii) proceedings under section 5 of the Act for the variation or revocation of a maintenance order to which that section applies pursuant to an application made before that date, save that where an order is made in those proceedings on or after that date, section 5(8) does not apply;
 - (iii) proceedings under section 6 of the Act for registration of a maintenance order where the certified copy of the order has been received by the Lord Chancellor or the Secretary of State before that date;
 - (d) in relation to—
 - (i) the enforcement or variation of a registered order pursuant to section 8 or 9 of the Act;
 - (ii) the cancellation of the registration, or the transfer, of a registered order pursuant to section 10 of the Act;
 - (iii) steps taken by the Lord Chancellor or the Secretary of State pursuant to section 11 of the Act in relation to a registered order.
- (5) In this paragraph—
- “the Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;
- “the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, as it applies in the United Kingdom by virtue of any declaration made by the ^{F11}United Kingdom] pursuant to Article 2(3) of that Convention;
- “the 1973 Hague Convention” means the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations done at The Hague on 2nd October 1973 ^{M14}as it applies in the United Kingdom;
- “maintenance decision” means a decision, or part of a decision, made by a court in a Contracting State, to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1), or to which the 1973 Hague Convention applies, as the case may be;

Changes to legislation: There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012, SCHEDULE 4. (See end of Document for details)

“registered order” has the meaning given in section 21(1) of the Act.

Textual Amendments

- F9** Words in Sch. 4 para. 8(4) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(i)(aa)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Sch. 4 para. 8(4)(b) inserted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(i)(bb)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Sch. 4 para. 8(5) substituted (31.12.2020) by The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 39(9)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M13** S.I. 1993/593.
- M14** Cmd 7939.

The Armed Forces (Forfeitures and Deductions) Regulations 2009

9.—(1) The Armed Forces (Forfeitures and Deductions) Regulations 2009 ^{M15} are amended as follows.

- (2) In regulation 2, after the definition of the 2000 Council Regulation, insert—
 - ““the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007;”.
- (3) In regulation 8 ^{M16}, in paragraph (10)(a)—
 - ^{F12}(a)
 - (b) after paragraph (v), insert—
 - “or
 - (vi) the 2007 Hague Convention.”.
- (4) In regulation 9, after paragraph (2) insert—
 - “(2A) For the purposes of regulation 8, a reference to a maintenance order is to include a reference to a maintenance arrangement which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of the 2007 Hague Convention.”.

Textual Amendments

- F12** Sch. 4 para. 9(3)(a) revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

Marginal Citations

- M15** S.I. 2009/1109.
- M16** Sub-paragraph (10)(a)(iv) was amended by, and sub-paragraph (10)(a)(b) was inserted by regulation 9 of and paragraph 29 of Schedule 7 to S.I.2011/1484.

Changes to legislation:

There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012, SCHEDULE 4.