

EXPLANATORY MEMORANDUM TO
THE INTERNATIONAL RECOVERY OF MAINTENANCE (HAGUE
CONVENTION 2007 ETC.) REGULATIONS (NORTHERN IRELAND) 2012

S.R 2012 No 413

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 This Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to negative resolution.

2. Purpose

- 2.1 These Regulations support the operation of the 2007 Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance (“the Convention”). The objective of the Convention is to ensure the effective international recovery of maintenance. The Convention establishes a simpler, more user-friendly procedure for the recognition and enforcement of foreign maintenance orders and sets up a system to ensure co-operation between states through Central Authorities.
- 2.2 The Regulations designate the Department of Justice as the Central Authority for Northern Ireland, provide for the establishment, recognition and enforcement of maintenance decisions under the Convention (including by provision for driving disqualification orders for enforcement of child maintenance), and provide for access to, and the transmission and use of, information for Convention purposes. They amend existing legislation to apply it to enforcement of maintenance under the 2007 Convention, and also make further minor amendments relating to the Council Regulation 4/2009 (“the Maintenance Regulation”).

3. Matters of Special Interest

- 3.1 None.

4. Background

- 4.1 The Convention will be concluded by the European Union and this conclusion will bind Member States. The Convention has direct effect and will apply from the first of the month three complete months after the date the European Union concludes the Convention on behalf of the Union. Member States will use the 2007 Convention with non-EU Contracting States only, since the Maintenance Regulation governs international maintenance matters between EU Member States.

5. Consultation

- 5.1 The proposed Regulations were shared with key bodies. No comments were received.

6. Equality Impact

- 6.1 The Regulations have been screened in compliance with section 75 of the Northern Ireland Act 1998. No equality issues were identified and an equality impact assessment is not considered necessary.

7. Regulatory Impact

- 7.1 There is no impact on business, charities, social economy enterprises or voluntary bodies and no Regulatory Impact Assessment has been carried out.

8. Financial Implications

- 8.1 There will be some resource implications for the Central Authority but these are expected to be manageable within existing resources given the expected caseload.

9. Section 24 of the Northern Ireland Act 1998

- 9.1 The proposed Regulations are considered to be compliant with section 24 of the Northern Ireland Act 1998, including EU Law and Convention Rights as defined in the Human Rights Act 1998.

10. EU Implications

- 10.1 Under the EU Council Decision on the approval on behalf of the EU of the Convention, all Member States must notify the European Commission, no later than 10 December 2012, of the laws in place for compliance with the Convention.

11. Parity or Replicatory Measure

- 11.1 Equivalent legislation has been made in England and Wales and Scotland.

12. Additional Information

- 12.1 Not applicable.

