
DRAFT STATUTORY INSTRUMENTS

2009 No.

EUROPEAN COMMUNITIES

The European Communities (Definition of Treaties) (1996 Hague Convention on Protection of Children etc.) Order 2009

Made - - - - - ***

Coming into force - - - - - ***

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 1(3) of the European Communities Act 1972 a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred by section 1(3) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the European Communities (Definition of Treaties) (1996 Hague Convention on Protection of Children etc.) Order 2009, and shall come into force 14 days after the day on which it is made.

Specification as one of the Community Treaties

2. The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children signed in the Hague on 19 October 1996(b) is to be regarded as one of the Community Treaties as defined in section 1(2) of the European Communities Act 1972.

Clerk of the Privy Council

(a) 1972 c.68
(b) Cm 7727

EXPLANATORY NOTE

(This note is not part of the Order)

This Order declares the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children signed in The Hague on 19 October 1996 to be a Community Treaty within the meaning of section 1(2) of the European Communities Act 1972.

The Convention improves the international protection of children by providing uniform rules on jurisdiction, applicable law, recognition and enforcement for decisions on parental responsibility and measures for the protection of children. It also establishes a system of administrative co-operation to facilitate the operation of the Convention across international borders.

The Convention contains matters within the competence of the European Community, although the Community is not able to become a party to the Convention itself. Those parts of the Convention which do not fall within Community competence are ancillary to the provisions of the Community treaties regarding judicial co-operation in civil matters, in particular those regarding the conflict of laws and jurisdiction, and the recognition and enforcement of judgments in civil matters.

The principal effect of declaring this Convention to be a Community Treaty is that the provisions of section 2 of the European Communities Act 1972 (which provide for the general implementation of Community Treaties) apply to it.

A full Impact Assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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