EXPLANATORY MEMORANDUM TO

THE CHILD ABDUCTION AND CUSTODY (PARTIES TO CONVENTIONS) (AMENDMENT) ORDER 2009

2009 No. 702

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Order revokes the Child Abduction and Custody (Parties to Conventions) (Amendment) Order 2005 (S.I. 2005/1260). It amends the Child Abduction and Custody (Parties to Conventions) Order 1986 (S.I. 1986/1159) by substituting new Schedules for the two Schedules to that Order specifying States that are contracting States to the Hague Convention on the Civil Aspects of International Child Abduction 1980 ("the Hague Convention") and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children 1980 and the dates of coming into force of those two Conventions as between the specified States and the United Kingdom. Bulgaria, Costa Rica and El Salvador are added to the list of contracting States to the Hague Convention. The Order replaces the entry for Serbia and Montenegro with separate entries for Montenegro and Serbia in respect of both Conventions. In Schedule 1 on the Hague Convention, it also amends the entries for Canada in respect of Newfoundland and Labrador and Nunavut to reflect relevant records.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order revokes the Child Abduction and Custody (Parties to Conventions) (Amendment) Order 2005 (S.I. 2005/1260). It amends the Child Abduction and Custody (Parties to Conventions) Order 1986 (S.I. 1986/1159). This Order is not subject to any parliamentary procedure.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

As the instrument is not subject to any parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The UK has recognised the accession of Bulgaria, Costa Rica and El Salvador to the Hague Convention on the Civil Aspects of International Child Abduction. This Order amends domestic legislation to reflect that. It also makes one or two minor changes to entries to reflect records and the fact that Serbia and Montenegro are now separate States.

8. Consultation outcome

8.1 There was no formal consultation in the UK.

9. Guidance

9.1 There is no guidance being issued.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible, if any.

10.2 The impact on the public sector is negligible, if any.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No monitoring or review is foreseen.

13. Contact

Eleanor Hourigan at the Foreign and Commonwealth Office Tel: 0207 008 3055 or email: Eleanor.Hourigan@fco.gov.uk can answer any queries regarding the instrument.