EXPLANATORY MEMORANDUM TO

THE CIVIL JURISDICTION AND JUDGMENTS (MAINTENANCE) AND INTERNATIONAL RECOVERY OF MAINTENANCE (HAGUE CONVENTION 2007 ETC) (AMENDMENT) ORDER 2015

2015 No. 1489

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend Regulations which set out court procedures to be followed in cross-border maintenance enforcement cases. The amendments are made in consequence of administrative and legislative changes and are needed to ensure continuing compliance with international obligations on maintenance enforcement.

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

3.1 None.

4. Legislative Context

4.1 The European Union (EU) Maintenance Regulation 4/2009 and the 2007 Hague Maintenance Convention provide for the reciprocal enforcement of maintenance decisions between, respectively, the UK and other EU member states and the UK and contracting states outside the EU. This instrument amends the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (the 2011 Regulations) and the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012 (the 2012 Regulations), which include the court procedures to be followed in cases to which the EU Maintenance Regulation and the 2007 Hague Maintenance Convention apply.

4.2 Associated amendments to the Family Procedure Rules 2010 were included in the Family Procedure (Amendment No.2) Rules (SI 2015/1420) which was laid before Parliament on 26 June 2015.

5. Territorial Extent and Application

5.1 This instrument extends to the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

7.1 The amendments to the 2011 and 2012 Regulations are needed for two reasons. As part of their modernisation programme, Her Majesty's Courts and Tribunals Service (HMCTS) has centralised the administration of maintenance enforcement cases in three locations of the family court in England and Wales, known as Maintenance Enforcement Business Centres. Articles 3 and 4 of this instrument amend the 2011 and 2012 Regulations to replace references to local family court locations ("Designated Family Judge areas") with references to Maintenance Enforcement Business Centres.

7.2 Secondly, article 5 of this instrument makes a minor amendment to the 2012 Regulations to reflect the move, in April 2014, of maintenance enforcement work from magistrates' courts to the family court.

- Consolidation

7.3 There are no plans to consolidate the 2011 or 2012 Regulations at this stage.

8. Consultation outcome

8.1 The Ministry of Justice consulted the expert members of the International Family Law Committee informally on the amendments and no concerns were raised.

9. Guidance

9.1 HMCTS will publish information on the location and contact details of Maintenance Enforcement Business Centres.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument. No impact on business, the public sector or the voluntary sector is foreseen other than that legal professionals and court staff will need to be aware of the changes.

11. Regulating small business

11.1 The legislation does not apply to small business except as set out at 10.1 above.

12. Monitoring & review

12.1 The 2011 and 2012 Regulations will be reviewed in the context of review of the international instruments and in the light of experience of their operation.

13. Contact

Miss G Bailey at the Ministry of Justice Tel: + 44 (0)20 3334 3200 or email: gay.bailey@justice.gsi.gov.uk can answer any queries regarding the instrument.