EXPLANATORY MEMORANDUM TO

THE FAMILY LAW ACT 1986 (DEPENDENT TERRITORIES) (AMENDMENT) ORDER 2006

2006 No. 1456

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 Enables reciprocity in child custody matters between Jersey and the different jurisdictions of the United Kingdom.

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

3.1 None

4. Legislative Background

4.1 Jersey has brought in legislation which has enabled the Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decision concerning Custody of Children and on Restoration of Custody of Children to be extended to Jersey.

4.2 The Hague and European Conventions do not apply between the UK and Jersey, as Jersey is not a separate personality in international law. Jersey's legislation allows it to apply procedures similar to the Conventions with the UK. For the UK to be able to apply similar procedures, changes need to be made to UK secondary legislation.

4.3 Similar amendments have already been made in respect of the Isle of Man and the Family Procedure Rule Committee has agreed the policy behind these changes.

5. Extent

5.1 This instrument applies to all of 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 This instrument enables the UK to meet its policy in relation to child custody cases involving other jurisdictions in respect of Jersey.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is minimal as systems for dealing with child custody cases involving jurisdictions outside the UK are already in place.

9. Contact

Katherine Fox at the Department for Constitutional Affairs Tel: 020 7210 8954 or e-mail: katherine.fox@dca.gsi.gov.uk can answer any queries regarding the instrument.