EXPLANATORY MEMORANDUM TO

THE MAGISTRATES' COURTS (RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS) (MISCELLANEOUS AMENDMENT) RULES 2007
2007 No. 2267 (L.21)

AND

THE FAMILY PROCEEDINGS (AMENDMENT) (NO.3) RULES 2007
2007 No. 2268 (L.22)

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

This memorandum contains information for the Merits Committee.

2. Description

These Instruments provide Rules of Court to enable the reciprocal enforcement of maintenance orders and facilitation of maintenance claims between the United Kingdom and the United States of America on a federal basis instead of the State by State arrangement which currently applies.

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

None.

4. Legislative Background

Section 144 of the Magistrates' Courts Act 1980 and section 40(1) of the Matrimonial and Family Proceedings Act 1984(**1**).

5. Territorial Extent and Application

These Rules apply to England and Wales.

6. European Convention on Human Rights

As the Instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

(**1**) 1984 c.42; section 40 was amended by the Courts and Legal Services Act 1990 (c.41), Schedule 18, paragraph 50 and by the Constitutional Reform Act 2005 (c.4), Schedule 4, paragraphs 379 and 380 and will be repealed (on a date to be appointed) by the Courts Act 2003 (c.39), Schedule 8, paragraph 278, Schedule 10.

7. Policy Background

These Orders enable the courts to operate a new system with the United States of America to enable us to reciprocate more effectively in the mutual recognition and enforcement of child (and spousal) family maintenance. This means that a maintenance order made in one country can be enforced through the courts or administrative systems of the other and that new maintenance obligations can be established in a cross border setting. The agreement will work at a federal level, replacing the current arrangements with individual States.

8. Impact

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

9. Contact

Michael Smith at the Ministry of Justice Tel: 020 7210 8559 or email: Michael.Smith@justice.gsi.gov.uk can answer any queries regarding the instrument.