STATUTORY INSTRUMENTS

2015 No. 1489

JUDGMENTS

The Civil Jurisdiction and Judgments (Maintenance) and International Recovery of Maintenance (Hague Convention 2007 etc) (Amendment) Order 2015

Made - - - -	*6th July 2015*
Laid before Parliament	*10th July 2015*
Coming into force - -	*31st July 2015*

The Secretary of State for Justice, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to private international law [F2], makes articles 1 to 4 of the following Order in exercise of the power under section 2(2) of that Act, and the Lord Chancellor makes article 5 of the following Order in exercise of the power under section 59 of the Crime and Courts Act 2013 [F3]:

F1 1972 c. 68. Section 2 was amended by section 27(1)(a) and (b) of the Legislative and Regulatory Reform Act 2006 (c. 51) and the Schedule to the European Union (Amendment) Act 2008 (c. 7).

F2 S.I. 2008/1792. Under section 57 of the Scotland Act 1998 (c. 46), despite the transfer to the Scottish Ministers of functions in relation to implementation of obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland. Implementation of obligations under Community law in respect of devolved matters is itself a devolved matter in Northern Ireland. However, the designation of the Secretary of State under the European Communities (Designation) (No. 2) Order 2008 (S.I.2008/1792) in relation to private international law remains exercisable in relation to Northern Ireland. This is despite the designation of Northern Ireland Departments in relation to that matter by virtue of the European Communities (Designation) (No. 5) Order 2010 (S.I. 2010/2690) as that designation does not restrict the scope of other designations.

F3 2013 c. 22.

Citation, extent and commencement

1.—(1) This Order may be cited as the Civil Jurisdiction and Judgments (Maintenance) and International Recovery of Maintenance (Hague Convention 2007 etc) (Amendment) Order 2015.

(2) An amendment made by this Order has the same extent as the enactment amended.

(3) This Order comes into force on 31st July 2015.

Interpretation

2. In this Order—

"the 2011 Regulations" means the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 [F4]; and

"the 2012 Regulations" means the International Recovery of Maintenance (Hague Convention 2007 etc) Regulations 2012 [F5].

F4 S.I. 2011/1484.
F5 S.I. 2012/2814.

Amendment of Schedule 1 to the 2011 Regulations

3. In paragraph 11 of Schedule 1 to the 2011 Regulations (establishment and modification of maintenance under the Maintenance Regulation) [F6]—

(a) in sub-paragraph (2) for "Designated Family Judge area" substitute " Maintenance Enforcement Business Centre for the area ";

(b) in sub-paragraph (7)—

(i) for "reside in the Designated Family Judge area" substitute " reside in the area covered by the Maintenance Enforcement Business Centre "; and

(ii) in paragraph (a)—

(aa) for "another Designated Family Judge area" substitute " the area covered by another Maintenance Enforcement Business Centre "; and

(bb) after "family court in" insert " the Maintenance Enforcement Business Centre for "; and

(c) in sub-paragraph (10)—

(i) omit paragraph (d);

(ii) after paragraph (e) insert—

"(ea) in sub-paragraph (2), for "the Maintenance Enforcement Business Centre for the area" there were substituted " the petty sessions district ";";

(iii) in paragraph (g) omit "and"; and

(iv) after paragraph (g) insert—

"(ga) in sub-paragraph (7)—

(i) for "the area covered by the Maintenance Enforcement Business Centre" there were substituted " the petty sessions district "; and

(ii) in paragraph (a)—

(aa) for "the area covered by another Maintenance Enforcement Business Centre" there were substituted " another petty sessions district "; and

(bb) "in the Maintenance Enforcement Business Centre for" were omitted; and".

F6 Amended by S.I. 2012/2814 and 2014/879.

Amendment of Schedule 1 to the 2012 Regulations

4. In paragraph 7 of Schedule 1 to the 2012 Regulations [F7] (applications for establishment or modification of maintenance in England and Wales)—

(a) in sub-paragraph (1) for "the Designated Family Judge area" substitute " the Maintenance Enforcement Business Centre for the area "; and

(b) in sub-paragraph (6)—

(i) for "reside in the Designated Family Judge area" substitute " reside in the area covered by the Maintenance Enforcement Business Centre "; and

(ii) in paragraph (a)—

(aa) for "another Designated Family Judge area" substitute " the area covered by another Maintenance Enforcement Business Centre "; and

(bb) after "family court in" insert " the Maintenance Enforcement Business Centre for ".

F7 Amended by S.I. 2014/879.

Amendment of Schedule 2 to the 2012 Regulations

5. In paragraph 2 of Schedule 2 to the 2012 Regulations [F8] (interpretation), in the definition of "the creditor" for "where there is in force an order that the sum or sums of maintenance be paid to the designated officer of a magistrates' court, that officer." substitute "an officer of the family court, where the sum or sums of maintenance must be paid to the family court;".

F8 Amended by S.I. 2014/879.

Ministry of Justice
6th July 2015

Caroline Dinenage
Parliamentary Under-Secretary of State