



STATUTORY INSTRUMENTS.

S.I. No. 381 of 2024



EUROPEAN UNION (HAGUE MAINTENANCE CONVENTION)
(AMENDMENT) REGULATIONS 2024

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I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance approved on behalf of the European Union by Council Decision 2011/432/EU of 9 June 2011¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Hague Maintenance Convention) (Amendment) Regulations 2024.

2. In these Regulations, the “Regulations of 2019” means the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019), as amended by the European Union (Hague Maintenance Convention) (Amendment) Regulations 2023 (S.I. No. 111 of 2023).

3. Regulation 6(1) of the Regulations of 2019 is amended –

(a) by the insertion of the following subparagraph after subparagraph (b):

“(ba) declarations and reservations (the text of which in the English language is set out in Part 1A of Schedule 2) have been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, by Azerbaijan, in accordance with Articles 2, 24, 44, 62, and 63;”, and

(b) by the insertion of the following subparagraph after subparagraph (d):

“(da) declarations and reservations (the text of which in the English language is set out in Part 3A of Schedule 2) have been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, by Canada, in accordance with Articles 2, 20, 30, 61, 62 and 63;”.

4. Schedule 1 to the Regulations of 2019 is amended –

(a) by the insertion of “Azerbaijan” after “Austria”,

(b) by the insertion of “Botswana” after “Bosnia and Herzegovina”,
and

(c) by the insertion of “Canada” after “Bulgaria”.

¹ OJ No. L 192 39, 22.7.2011

5. Schedule 2 to the Regulations of 2019 is amended –

(a) by the insertion of the following Part after Part 1:

“Part 1A

Azerbaijan

Reservations:

17-02-2023

In accordance with Article 62 and paragraph 2 of Article 2 of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the Republic of Azerbaijan shall apply the Convention to maintenance obligations arising from a parent-child relationships towards children up to age of 18 years.

In accordance with Article 62 and paragraph 3 of Article 44 of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the Republic of Azerbaijan objects to the use of the French language in any other communications between the Central Authorities. Such any other communications shall be in the Azerbaijani or English languages.

Declarations:

17-02-2023

In accordance with Article 63 of the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (hereinafter - the Convention), the Republic of Azerbaijan declares the following: [...]

The recognition and enforcement procedure prescribed in Article 24 of the Convention will be applied to the application for recognition and enforcement of a decision.

Applications for recognition and enforcement of a maintenance arrangement provided for in paragraph 7 of Article 30 of the Convention shall only be made through the Central Authority of the Republic of Azerbaijan.

In accordance with paragraph 1 of Article 44 of the Convention, any application and related documents of the requesting Members States accompanied by a duly certified translation into the Azerbaijani language shall be accepted for processing in the territory of the Republic of Azerbaijan.

The provisions of the present Convention will not be applied by the Republic of Azerbaijan in respect of the Republic of Armenia until the consequences of the conflict are completely eliminated and relations between the Republic of Armenia and the Republic of Azerbaijan are normalized.”,

and

(b) by the insertion of the following Part after Part 3:

“Part 3A

Canada

Reservations:

27-10-2023

Canada makes a reservation with respect to the Province of Manitoba, in accordance with Article 62 and pursuant to Article 20, paragraph 2, in respect of Article 20, sub-paragraphs (1) c), (1) e) and (1) f).

Canada makes a reservation with respect to the Province of Ontario, in accordance with Article 62 and pursuant to Article 20, paragraph 2, in respect of Article 20, sub-paragraphs (1) c), (1) e) and (1) f).

27-11-2023

Canada makes a reservation with respect to the Province of British Columbia, in accordance with Article 62 and pursuant to Article 20, paragraph 2, in respect of Article 20, sub-paragraphs (1) c), (1) e) and (1) f).

Declarations:

27-10-2023

Canada declares, in accordance with Article 63 and pursuant to Article 61, paragraph 1, that the Convention shall extend to the Provinces of Manitoba and Ontario.

Canada declares with respect to the Province of Manitoba, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of Manitoba will extend the application of the Convention as a whole to child support obligations that are consistent with the law applicable in the Province of Manitoba, including, but not limited to, child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including, but not limited to, enrolment in a full-time program of education, to withdraw from their parents' charge or to obtain the necessities of life.

Canada declares with respect to the Province of Ontario, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of Ontario will extend the application of the Convention as a whole to child support obligations that are consistent with the law applicable in the Province of Ontario, including, but not limited to, child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including, but not limited to, enrolment in a full-time program of education, to withdraw from their parents' charge or to obtain the necessities of life.

Canada declares with respect to the Province of Manitoba, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of Manitoba will extend the application of Chapters II (Administrative Co-operation) and III (Applications through Central Authorities) of the Convention to spousal support obligations, regardless of whether or not they exist alongside maintenance obligations arising from a parent-child relationship.

Canada declares with respect to the Province of Ontario, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of Ontario will extend the application of Chapters II (Administrative Co-operation) and III (Applications through Central Authorities) of the Convention to spousal support obligations, regardless of whether or not they exist alongside maintenance obligations arising from a parent-child relationship.

Canada declares with respect to the Province of Manitoba, in accordance with Article 63 and pursuant to Article 30, paragraph 7, that applications for recognition and enforcement of a maintenance arrangement made in the Province of Manitoba shall only be made through the Central Authority of the Province of Manitoba.

Canada declares with respect to the Province of Ontario, in accordance with Article 63 and pursuant to Article 30, paragraph 7, that applications for recognition and enforcement of a maintenance arrangement made in the Province of Ontario shall only be made through the Central Authority of the Province of Ontario.

Canada declares that it may at any time submit other declarations or modify its declarations in accordance with Article 62, and further declares that it may submit declarations or reservations with respect to other territorial units in accordance with Articles 62 and 63.

27-11-2023

Canada declares, in accordance with Article 63 and pursuant to Article 61, paragraph 1, that, in addition to the Provinces of Manitoba and Ontario, the Convention shall extend to the Province of British Columbia.

Canada declares with respect to the Province of British Columbia, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of British Columbia will extend the application of the Convention as a whole to child support obligations that are consistent with the law applicable in the Province of British Columbia, including, but not limited to, child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including, but not limited to, enrolment in a full-time program of education, to withdraw from their parents' charge or to obtain the necessities of life.

Canada declares with respect to the Province of British Columbia, in accordance with Article 63 and pursuant to Article 2, paragraph 3, that the Province of British Columbia will extend the application of Chapters II (Administrative Co-operation) and III (Applications through Central Authorities) of the Convention to spousal support obligations, regardless

of whether or not they exist alongside maintenance obligations arising from a parent-child relationship.

Canada declares with respect to the Province of British Columbia, in accordance with Article 63 and pursuant to Article 30, paragraph 7, that applications for recognition and enforcement of a maintenance arrangement made in the Province of British Columbia shall only be made through the Central Authority of the Province of British Columbia.

Canada declares that it may at any time submit other declarations or modify its declarations in accordance with Article 62, and further declares that it may submit declarations or reservations with respect to other territorial units in accordance with Articles 62 and 63.”.



GIVEN under my Official Seal,
23 July, 2024.

HELEN MCENTEE,
Minister for Justice.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

This Order amends the European Union (Hague Maintenance Convention) Regulations 2019 (S.I. No. 594 of 2019) on foot of Azerbaijan, Botswana and Canada becoming bound by the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance and includes the text of Declarations and Reservations made pursuant to the Convention.

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