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STATUTORY INSTRUMENTS

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**2018 No. 1125**

**EXITING THE EUROPEAN UNION  
PRIVATE INTERNATIONAL LAW**

The International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018

<i>Sift requirements satisfied</i>	<i>16th October 2018</i>
<i>Made - - - -</i>	<i>30th October 2018</i>
<i>Laid before Parliament</i>	<i>1st November 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 <sup>M1</sup> (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of and paragraph 21(b) of Schedule 7 to that Act.

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**Marginal Citations**

**M1** [2018 c. 16.](#)

**PART 1**

Introduction

**Citation and commencement**

1. These Regulations may be cited as the International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018 and come into force on exit day.

**Changes to legislation:** There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018. (See end of Document for details)

**Commencement Information**

**I1** [Reg. 1](#) in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Interpretation**

**F1** **2.** .....

**F1** [Reg. 2](#) omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), [Sch. 5 para. 4\(2\)](#)

**F2** **PART 2**

The rights etc deriving from the 2007 Hague Convention

**F2** [Pt. 2](#) omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), [Sch. 5 para. 4\(3\)](#)

**Rights etc deriving from the 2007 Hague Convention**

**3.** .....

**Payments falling due under maintenance obligations towards a person under 21 years of age before the 2007 Hague Convention again enters into force for the United Kingdom**

**4.** .....

**Maintenance obligations and requests before exit day**

**5.** .....

**Maintenance obligations and requests before the 2007 Hague Convention again enters into force for the United Kingdom**

**6.** .....

**Requests and maintenance obligations after the 2007 Hague Convention again enters into force for the United Kingdom**

**7.** .....

**F3** **PART 3**

Modification and amendment of primary and secondary legislation

**F3** [Pt. 3](#) omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), [Sch. 5 para. 4\(4\)](#)

**Primary and subordinate legislation giving effect to the 2007 Hague Convention**

8. ....

**The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012**

9. ....

**PART 4**

**Amendment of retained direct EU legislation**

**Council Decision of 31 March 2011 (2011/220/EU)**

10. Council Decision of 31 March 2011 on the signing, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2011/220/EU) is revoked.

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**Commencement Information**

**I2** [Reg. 10](#) in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Council Decision of 9 June 2011 (2011/432/EU)**

11. Council Decision of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2011/432/EU) is revoked.

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**Commencement Information**

**I3** [Reg. 11](#) in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Signed by authority of the Secretary of State for Justice

Ministry of Justice

*Lucy Frazer*  
Parliamentary Under-Secretary of State

**Changes to legislation:** There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(e)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of private international law, relating to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, done at The Hague on 23 November 2007 (“the 2007 Hague Convention”). The UK has applied the 2007 Hague Convention since 1 August 2014 by virtue of the EU's conclusion of that Convention, and thus it will cease to apply to the UK on exit day. These Regulations retain the directly effective rights and obligations etc derived from the 2007 Hague Convention in domestic law in the UK, both in relation to maintenance obligations and requests for maintenance that will lose the benefit of the Convention upon exit day, and in relation to maintenance obligations and requests for maintenance to which the 2007 Hague Convention will once again apply when the UK ratifies that convention in its own right.

Part 2 identifies the rights, powers, liabilities, obligations, restrictions, remedies and procedures which are derived from the 2007 Hague Convention and recognised in domestic law by virtue of section 4 of the European Union Withdrawal Act 2018 (“the section 4 rights”). That Part further makes provision regarding how the section 4 rights are to apply to maintenance obligations and requests arising before exit day, those arising after exit day but before the 2007 Hague Convention again enters into force for the UK, and to those to which the 2007 Hague Convention will apply in accordance with the provisions of Article 56 of that Convention when the Convention again enters into force for the UK.

Part 3 makes modifications in relation to primary and secondary legislation relating to the 2007 Hague Convention, applying it to the section 4 rights as they apply to maintenance obligations and requests arising before exit day, and those arising after exit day but before the 2007 Hague Convention again enters into force for the UK.

Part 4 revokes retained direct EU legislation consisting of two Council Decisions relating to the signature and conclusion of the 2007 Hague Convention by the EU.

An impact assessment on the effect that this instrument will have on the costs of business, the voluntary sector and the private sector is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and is published alongside the Explanatory Memorandum for this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018.