

# STATES OF JERSEY

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## **DRAFT MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200**

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Lodged au Greffe on 22nd April 2003  
by the Legislation Committee

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STATES GREFFE





Jersey

## **DRAFT MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200**

### **Report**

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The Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 replaced the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 1953 with new provisions for obtaining and enforcing maintenance orders between Jersey and Commonwealth jurisdictions. In addition to its application within the Commonwealth, the new Law enables the extension to Jersey of –

- (i) the United Nations Convention on the Recovery Abroad of Maintenance 1956 (“the U.N. Convention”) which provides a mechanism for dealing with claims for maintenance against absent defendants; and
- (ii) the Hague Convention on the Enforcement of Decisions Relating to Maintenance Obligations 1973 (“the Hague Convention”) which deals with the enforcement of existing orders and empowers the States to extend the provisions applicable to a Commonwealth country to any other country.

The new Law covers four categories of countries –

- (a) Commonwealth member states and their dependencies, whether or not reciprocal powers are available;
- (b) Convention countries, *i.e.* countries party to the U.N. Convention and which are, therefore, reciprocating countries for the purpose of making claims for maintenance against absent defendants;
- (c) Hague Convention countries, *i.e.* countries party to the 1973 Hague Convention and which are therefore, reciprocating countries for the purpose of enforcement of maintenance orders;
- (d) Non-Commonwealth countries not party to either Convention, to which the same provisions as those applying to Commonwealth countries can be applied by Act of the States.

The Superior Number of the Royal Court is empowered to make Rules of Court prescribing the practice and procedure under the Law. The necessary Rules of Court (which presented a formidable drafting task) have now been enacted.

This Act appoints 2nd June 2003 for the coming into force of the new Law. This will represent a considerable step forward in widening the scope for the enforcement of various child and other maintenance orders made by courts or tribunals outside the Island. This is the culmination of much work undertaken by the previous Legislation Committee whose first aim was to seek to ensure that no parent who had been ordered to pay maintenance should be able to use the fact that he or she was resident in Jersey as a shield from the enforceability of that obligation.

Simultaneously lodged with this Act are Acts designating countries for the purposes of the United Nations Convention and the Hague Convention (P.44 and P.45/2003). These countries are in addition to Commonwealth countries in respect of which the new Law already makes provision.

The combination of the new Law, the Rules of Court made under it and the designation of reciprocating countries will eliminate existing artificial and unnecessary limitations upon the ability of a maintenance creditor to enforce in the Island the obligations of his or her maintenance debtor. Above all, it will bring Jersey in the front rank of countries who accept the need for comity between jurisdictions in an area which, whilst often troubled and

complex, is of vital social concern in the modern world.

There are no additional financial or manpower implications for the States arising from the adoption of this draft Act.

## **Explanatory Note**

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This Act brings into force on 2nd June 2003 the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 which was adopted by the States on 4th April 2000 (P.49/2000).

The purpose of that Law is to extend the application of and revise the procedures for enforcement in Jersey of maintenance orders made elsewhere. In particular, the procedures are extended to affiliation orders and certain orders for lump sum payments.





Jersey

**DRAFT MAINTENANCE ORDERS (FACILITIES FOR  
ENFORCEMENT) (JERSEY) LAW 2000  
(APPOINTED DAY) ACT 200**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 48 of the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000,<sup>[1]</sup> have made the following Act –

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**1 Commencement of Law**

The Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 shall come into force on 2nd June 2003.

**2 Citation**

This Act may be cited as the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 (Appointed Day) Act 200.

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[\[1\]](#) *Recueil des Lois, Volume 2000, page 818.*