

**EXPLANATORY MEMORANDUM TO**  
**THE RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS**  
**(DESIGNATION OF RECIPROCATING COUNTRIES) ORDER 2008**

**2008 No. 1202**

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 Joint Committee on Statutory Instruments.

2. **Description**

This Order designates Jersey as a reciprocating country for the purposes of Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972, to enable the reciprocal enforcement of child and spousal maintenance orders between the United Kingdom and Jersey.

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

None.

4. **Legislative Background**

The previous legislation in this area was the Maintenance Orders (Facilities for Enforcement) Act 1920 ('the 1920 Act'). Jersey is presently designated for the purposes of the 1920 Act, by inclusion in Schedule 1 of the Maintenance Orders (Facilities for Enforcement) Order 1959 (S.I. 1959/377).

This Act however extended only to England and Wales, and to Ireland. It was largely superseded by the Maintenance Orders (Reciprocal Enforcement) Act 1972 ('the 1972 Act').

This Order is being made for the purpose of designating Jersey under the 1972 Act.

The Maintenance Orders (Facilities for Enforcement) (Revocation) Order 2008, which comes into force on the same day as this Order, revokes the Maintenance Orders (Facilities for Enforcement) Order 1959, insofar as it extends the 1920 Act to Jersey.

5. **Territorial Extent and Application**

This Order applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

When the 1972 Act came into force, those countries whose legal systems contained sufficient reciprocity migrated to the new Act. At the time, the law in Jersey did not permit this to happen, so it remained designated under the 1920 Act. The consequence of this was that maintenance orders could not be recognised and enforced as between Jersey and Scotland.

The State in Jersey have since passed legislation which enables reciprocity under the 1972 Act.

This Order will 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 Jersey can be enforced through the courts in the whole of the United Kingdom, and vice versa.

## **8. Impact**

8.1 No Impact Assessment has been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

## **9. Contact**

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