

## INTRODUCTORY NOTE

This paper examines three international conventions concerning applications for and awards of maintenance as between parties living in different countries, and also contains legislative proposals which contain a revised version of the established Commonwealth scheme as to facilities for the enforcement of maintenance orders and provisions for implementing two of the three international conventions.

The question of the enforcement of maintenance orders in the context of intra-Commonwealth legal relations was considered by Commonwealth Law Ministers in 1973. The Winnipeg Meeting of Law Ministers in 1977 received a full report on this and other matters by Professor J.D. McClean and Professor K.W. Patchett (The Recognition and Enforcement of Judgments and Orders and the Service of Process within the Commonwealth - a Further Report), chapter 3 being devoted to maintenance orders.

As a result of the Law Ministers' deliberations there were two related developments. The first was the growth of co-operation between the Commonwealth Secretariat and The Hague Conference on Private International Law, the leading international body in that field. As part of that development, a number of "accession kits" are being prepared, analysing particular conventions produced at The Hague (with other relevant international conventions on similar subject-matter), and providing details of accession procedures and draft legislation. This paper is one of that series.

The other development was the examination of the Commonwealth position in respect of maintenance orders and other matters at a series of regional meetings of legal officers in the course of which proposals for the revision of the existing intra-Commonwealth scheme were developed and draft legislation to this end elaborated. The work was reported to and generally endorsed by the Barbados Meeting of Law Ministers in 1980.

This paper therefore examines two Hague Conventions, that on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations ("the Enforcement Convention") and that on the Law Applicable to Maintenance Obligations ("the Applicable Law Convention"), together with a related United Nations Convention on the Recovery Abroad of Maintenance. Model legislation is provided which embodies a revision of the intra-Commonwealth scheme and provisions for giving effect to the Enforcement Convention and the U.N. Convention, together with notes on accession procedures.

The English text of the Conventions is provided, but not the official texts in French or, in the case of the U.N. Convention, other languages.

The Commonwealth Secretariat will endeavour to supply further information on points of detail at the request of any Government. The address of the Permanent Bureau of the Hague Conference, which can supply information on the Hague Conventions analysed in this paper is 2C Javastraat, The Hague, Netherlands.