
CONTENTS

<i>Series Editors' Preface</i>	v
<i>Preface</i>	vii
<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xvii
1. Introduction	1
I. Introduction	1
II. Aim and Structure	2
III. Methodology	5
IV. Approach: Pragmatism	6
V. 'Maintenance' as a Concept	8
VI. Conclusion.....	14
2. History of the Recovery of Maintenance from Abroad	15
I. Introduction	15
II. First Steps—A Regime for the UK and His Majesty's Dominions	15
III. The First International Regime	16
IV. The Regime Established by the Hague Conference	18
V. Recovery of Maintenance in Europe.....	24
VI. The Initial Impact of the Regulation	30
VII. Conclusion.....	35
3. Scope: Maintenance Regulation	37
I. Introduction	37
II. Relationships the Regulation Applies to	37
III. Characterisation.....	40
IV. Conclusion.....	45
4. Scope: The 2007 Hague Convention	47
I. Introduction	47
II. Child Support.....	48
III. Spousal Support.....	49
IV. Other Forms of Maintenance.....	50
V. Conclusion.....	51
5. Jurisdiction	52
I. Introduction	52
II. Jurisdiction in EU Family Law	53

III.	General Grounds of Jurisdiction.....	54
IV.	Lack of Coherence and Possible Solutions	56
V.	Choice of Court	65
VI.	Jurisdiction Based on the Appearance of the Defendant	66
VII.	Subsidiary Jurisdiction and <i>Forum Necessitatis</i> —No Room for National Law	67
VIII.	Limits on Bringing Proceedings.....	69
IX.	Conclusion.....	72
6.	Hague Protocol on Applicable Law.....	74
I.	Introduction	74
II.	Scope.....	75
III.	Law Applicable	78
A.	General Rule	78
B.	Special Rules	80
C.	Choice of Applicable Law	87
IV	Other Provisions	92
A.	Public Policy and Determining the Amount of Maintenance.....	92
B.	Exclusion of <i>Renvoi</i>	92
V.	Conclusion.....	93
7.	Recognition and Enforcement: Regulation	95
I.	Introduction	95
II.	The Procedures in the Maintenance Regulation	97
III.	Non-Protocol States.....	98
IV.	The Abolition of <i>Exequatur</i>	105
V.	Possible Issues with the Abolition of <i>Exequatur</i> in EU Regulations	105
VI.	The Implications of the Hague Protocol and other Methods of Mitigating the Effect of the Abolition of <i>Exequatur</i> in Maintenance Proceedings.....	120
A.	The Hague Protocol	120
B.	Articles 19 and 21	126
VII.	Are the Separate Procedures Understood in Practice?.....	129
VIII.	Suitable Alternative Arrangements	136
IX.	Conclusion.....	144
8.	Recognition and Enforcement: Convention.....	147
I.	Introduction	147
II.	Scope.....	148
III.	Jurisdiction	149
A.	Habitual Residence of the Respondent and the Creditor	150
B.	Habitual Residence of the Child.....	154
C.	Party Autonomy	154
D.	Personal Status.....	155

IV.	Grounds for Refusal	156
A.	<i>Ex Officio</i> Review.....	156
B.	Review by the Defendant	157
C.	Summary.....	164
V.	Procedure for Recognition and Enforcement	165
VI.	Alternative Procedure for Recognition and Enforcement	168
VII.	Conclusion.....	173
9.	Actual Enforcement	175
I.	Introduction	175
II.	Convention	176
III.	Common Provisions on Central Authorities	179
A.	The Ongoing Enforcement of Maintenance Obligations	181
B.	Collect and Transfer Payments.....	182
C.	Provisional Measures.....	183
IV.	Enforcement in Europe.....	183
A.	The Procedure	183
B.	Practice So Far	190
V.	Case Law of the ECtHR on Enforcement	192
VI.	Information Technology: iSupport	195
VII.	Conclusion.....	198
10.	Administrative Cooperation.....	200
I.	Introduction	200
II.	Designation of Central Authorities.....	202
III.	General Functions	204
IV.	Specific Functions	206
V.	Legal Assistance	209
VI.	Locate One of the Parties	211
VII.	Information on Income and Other Financial Circumstances, Including the Location of Assets.....	215
VIII.	Encourage Amicable Solutions.....	217
IX.	Ongoing Enforcement	219
X.	Collection and Expedited Transfer	222
XI.	Obtaining of Documentary or Other Evidence	222
XII.	Parentage	223
XIII.	Provisional Measures that have the Purpose of Securing the Outcome of a Pending Maintenance Application	224
XIV.	Service	225
XV.	Practical Application of Selected Provisions	225
A.	Requests for Specific Measures.....	225
B.	Meeting the Time Requirements	231
XVI.	Potential Future Developments: Designing Suitable Minimum Standards.....	236
XVII.	Conclusion.....	244

11. Conclusion.....	246
I. Scope and Characterisation	247
II. EU Solutions.....	248
III. International Solutions	255
IV. Overall Comments	256
V. Final Remarks.....	256
 <i>Annex I.....</i>	 258
<i>Annex II</i>	293
<i>Annex III.....</i>	294
<i>Annex IV.....</i>	296
<i>Annex V</i>	297
<i>Annex VI.....</i>	299
<i>Annex VII.....</i>	301
<i>Annex VIII</i>	307
<i>Bibliography.....</i>	313
<i>Index</i>	323