



BILL NO. 68

Government Bill

*1st Session, 65th General Assembly
Nova Scotia
3 Charles III, 2025*

An Act Respecting Certain Financial and Other Government Measures

CHAPTER 6
ACTS OF 2025

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MARCH 26, 2025**

The Honourable John Lohr
Minister of Finance and Treasury Board

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Certain Financial and Other Government Measures

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Financial Measures (2025) Act*.

PART I

BENEFICIARIES DESIGNATION ACT

2 (1) Subsection 9(1) of Chapter 36 of the Revised Statutes, 1989, the *Beneficiaries Designation Act*, as amended by Chapter 49 of the Acts of 2008 and Chapter 9 of the Acts of 2009, is further amended by adding “and Section 9A” immediately after “Section”.

(2) Clause 9(1)(b) of Chapter 36, as amended by Chapter 49 of the Acts of 2008 and Chapter 9 of the Acts of 2009, is further amended by striking out “home ownership savings plan” and substituting “first home savings account”.

3 Chapter 36 is amended by adding immediately after Section 9 the following Section:

9A (1) Where, in accordance with the terms of a savings plan, a plan holder designates a person or persons to receive a benefit payable under the savings plan in the event of the plan holder’s death, a requirement for a signature is satisfied by an electronic signature.

(2) This Section applies to a designation made before or after the coming into force of this Section.

PART II

ELECTRIC VEHICLE REBATE PROGRAM

4 No new purchase of any product manufactured by Tesla, Inc. or by an associated corporation of Tesla, Inc., as determined under the *Income Tax Act* (Canada), is eligible for any rebate or grant provided by the Government of the Province through the Electrify Nova Scotia Rebate Program.

PART III

ENTERTAINMENT LICENSING AND CLASSIFICATION ACT

5 Schedule A, the *Entertainment Licensing and Classification Act*, comes into force as provided in that Schedule.

PART IV

FINANCE ACT

6 Section 39 of Chapter 2 of the Acts of 2010, the *Finance Act*, is amended by adding “mechanically or electronically” immediately after “otherwise”.

PART V

HALIFAX-DARTMOUTH BRIDGE COMMISSION ACT

7 Section 2 of Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, as amended by Chapter 34 of the Acts of 2014 and Chapter 3 of the Acts of 2024, is further amended by

(a) striking out clauses (a) and (d); and

(b) striking out “, so long as the construction, operation and maintenance of such structure or facility is financed in whole or in part by tolls, rates, fees and other charges charged to its users” in clause (h).

8 (1) Subsection 7(1) of Chapter 7 is repealed.

(2) Subsection 7(2) of Chapter 7 is amended by striking out “and not relating to its schedule of rates, tolls, fees and charges”.

(3) Subsection 7(4) of Chapter 7 is amended by striking out “Transportation and”.

9 Section 9 of Chapter 7 is repealed and the following Section substituted:

9 The objects of the Commission are to maintain and operate the Bridges and any other transportation project authorized by Section 27.

10 Subsection 10(1) of Chapter 7 is amended by

(a) striking out “, including any approved electronic collection systems,” in clause (b); and

(b) striking out clauses (c) and (j).

11 Sections 16 to 18 of Chapter 7 are repealed.

12 (1) Subsection 19(1) of Chapter 7 is repealed and the following subsection substituted:

(1) The Commission is not a public utility within the meaning of the *Public Utilities Act* and, for greater certainty, is not subject to that Act.

(2) Subsection 19(2) of Chapter 7 is amended by striking out “other”.

(3) Subsection 19(3) of Chapter 7 is amended by striking out “Board” wherever it appears and substituting “Minister of Public Works” in each case.

(4) Subsection 19(5) of Chapter 7 is amended by

(a) striking out “Board” wherever it appears and substituting “Minister of Public Works” in each case; and

(b) striking out “its” and substituting “that Minister’s”.

(5) Section 19 of Chapter 7 is further amended by adding immediately after subsection (5) the following subsection:

(6) The Minister of Public Works may delegate, in writing, any power of that Minister under this Section.

13 Section 20 of Chapter 7 is repealed.

14 Section 25 of Chapter 7 is amended by striking out “and the Municipality”.

15 Subsection 27(3) of Chapter 7 is amended by striking out “in respect of which the Commission is collecting tolls, fees, rates and other charges”.

16 Chapter 7 is further amended by adding immediately after Section 27 the following Section:

27A (1) The Governor in Council may make regulations

(a) respecting members of the Commission, including

(i) respecting the appointment of the Chair and Vice-chair,

(ii) prescribing terms of office,

(iii) respecting the revocation of appointments,

(iv) respecting the internal governance of the Commission and its rules of procedure, and

(v) respecting information and reports that the Commission must provide to the Governor in Council;

(b) respecting any other matter or thing related to the Commission or to the maintenance and operation of the Bridges;

(c) defining any term used but not defined in this Act;

(d) further defining any term defined in this Act;

(e) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the purpose of this Act.

(2) The exercise by the Governor in Council of the authority in subsection (1) is a regulation within the meaning of the *Regulations Act*.

17 (1) Sections 22 to 24 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, are repealed.

(2) Section 111 of Chapter 3 is amended by striking out “20 to 27” and substituting “20, 21, 25 to 27”.

18 For greater certainty, money owed to the Commission in relation to an unpaid toll, fee or charge on April 1, 2025, continues to be so owed unless waived by the Commission.

PART VI

HALIFAX REGIONAL MUNICIPALITY CHARTER

19 (1) Subsection 236A(1) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, as enacted by Chapter 18 of the Acts of 2023, is amended by striking out “for a period of two years after this Section comes into force” and substituting “until the later of November 9, 2025, and the date prescribed by the regulations for the expiration of this Section”.

(2) Section 236A of Chapter 39, as enacted by Chapter 18 of the Acts of 2023, is further amended by adding immediately after subsection (4) the following subsections:

(5) The Minister may make regulations

- (a) prescribing a date for the expiration of this Section;**
- (b) respecting any matter the Minister considers necessary or advisable to carry out effectively the intent and purpose of this Section.**

(6) The exercise by the Minister of the authority contained in subsection (5) is a regulation within the meaning of the *Regulations Act*.

20 Subsection 13(2) of Chapter 13 of the Acts of 2022, *An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, Respecting Housing*, is amended by striking out “three years from the date it comes into force” and substituting “on and after November 25, 2026”.

21 Subsection 14(2) of Chapter 13 is amended by striking out “three years from the date it comes into force” and substituting “on and after November 25, 2026”.

PART VII

INCOME TAX ACT

22 Subsection 10(1) and Section 10A of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, are repealed.

23 (1) Section 10B of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by renumbering subsection (1) as (1A) and adding immediately before subsection (1A) the following subsection:

(1) For the purpose of computing the tax payable under this Part by an individual for a taxation year after December 31, 2024, there may be deducted a basic personal amount determined by the formula

$$A \times B$$

where

A is the appropriate percentage for the year; and

B is \$11,744.

(2) Subsection 10B(1A) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and as renumbered, is amended by adding “and before 2025” immediately after “2017”.

(3) Subsection 10B(2) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by adding “and before 2025” immediately after “2017”.

24 (1) Section 10C of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and amended by Chapter 4 of the Acts of 2018 and Chapter 3 of the Acts of 2024, is further amended by renumbering subsection (1) as (1A) and adding immediately before subsection (1A) the following subsection:

(1) For the purpose of computing the tax payable under this Part by an individual for a taxation year after December 31, 2024, where at any time in the year the individual

(a) is a married person or a person who is in a common-law partnership;

(b) supports the individual’s spouse or common-law partner; and

(c) is not living separate and apart from the spouse or common-law partner by reason of a breakdown of their marriage or common-law partnership,

there may be deducted a spousal amount determined by the formula

$$A \times (B - C)$$

where

A is the appropriate percentage for the year;

B is \$12,618; and

C is the greater of \$874 and the income of the individual’s spouse or common-law partner for the year.

(2) Subsection 10C(1A) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and amended by Chapter 4 of the Acts of 2018 and Chapter 3 of the Acts of 2024 and as renumbered, is further amended by adding “and before 2025” immediately after “2017”.

(3) Subsection 10C(2) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by adding “and before 2025” immediately after “2017”.

25 (1) Section 10D of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and amended by Chapter 4 of the Acts of 2018 and Chapter 3 of the Acts of 2024, is further amended by renumbering subsection (1) as (1A) and adding immediately before subsection (1A) the following subsection:

(1) Except in the case of an individual who claims a deduction for the taxation year under Section 10C, for the purpose of computing the tax payable under this Part by an individual for a taxation year after December 31, 2024, where at any time in the year the individual

(a) is either

(i) an unmarried individual who does not live in a common-law partnership, or

(ii) an individual who is married or in a common-law partnership and who

(A) neither supports nor lives with the individual’s spouse or common-law partner, and

(B) is not supported by the individual’s spouse or common-law partner; and

(b) whether alone or jointly with one or more other individuals, maintains a self-contained domestic establishment in which the individual lives, and actually supports in that establishment an individual who, at that time, is

(i) except in the case of a child of the individual, resident in Canada,

(ii) wholly dependent for support on the individual or on the individual and any other individuals in the domestic establishment, as the case may be,

(iii) related to the individual, and

(iv) except in the case of a parent or grandparent of the individual, either under eighteen years of age or so dependent by reason of mental or physical infirmity,

there may be deducted a dependant amount determined by the formula

$$A \times (B - C)$$

where

A is the appropriate percentage for the year;

B is \$12,618; and

C is the greater of \$874 and the income of the individual’s dependant for the year.

(2) Subsection 10D(1A) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and amended by Chapter 4 of the Acts of 2018 and Chapter 3 of the Acts of 2024 and as renumbered, is further amended by adding “and before 2025” immediately after “2017”.

(3) Subsection 10D(2) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by adding “and before 2025” immediately after “2017”.

26 (1) Section 10F of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by adding “(2)” immediately after the Section number and adding immediately before subsection (2) the following subsection:

(1) For the purpose of computing the tax payable under this Part by an individual for a taxation year after December 31, 2024, for each dependant of the individual who at any time in the year

- (a) has attained the age of eighteen years; and
- (b) is dependent on the individual because of mental or physical infirmity,

there may be deducted an infirm dependant amount determined by the formula

$$A \times (B - C)$$

where

- A is the appropriate percentage for the year;
- B is \$8,744; and
- C is the greater of the dependant’s income for the year and \$5,859.

(2) Subsection 10F(2) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and as renumbered, is amended by adding “and before 2025” immediately after “2017”.

27 (1) Section 10G of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by renumbering subsection (1) as (1A) and adding immediately before subsection (1A) the following subsection:

(1) For the purpose of computing the tax payable under this Part by an individual for a taxation year after December 31, 2024, where an individual has attained the age of sixty-five years before the end of the year, there may be deducted an age amount determined by the formula

$$A \times (B - C)$$

where

- A is the appropriate percentage for the year;
- B is \$5,734; and
- C is 15% of the amount, if any, by which the individual’s income for the year would exceed \$30,828 if no amount were included in respect of a gain from a disposition of property to which section 79 of the Federal Act applies in computing that income and, for a taxation year after December 31, 2017, no amount were deductible under paragraph 20(1)(ww) of the Federal Act.

(2) Subsection 10G(1A) of Chapter 217, as enacted by Chapter 6 of the Acts of 2017 and as renumbered, is amended by

- (a) adding “and before 2025” immediately after “2017”; and**
- (b) adding “and no amount were deductible under paragraph 20(1)(ww) of the Federal Act” immediately after “computing that income”.**

(3) Subsection 10G(2) of Chapter 217, is amended by adding “and before 2025” immediately after “2017”.

28 Section 10H of Chapter 217, as enacted by Chapter 6 of the Acts of 2017, is amended by striking out “B is the lesser of \$1,173 and the eligible pension income of the individual for the year.” and substituting the following definition:

B is the lesser of

- (a) \$1,173; and**
- (b) the amount that is determined under paragraph (b) of the description of B in subsection 118(3) of the Federal Act and used in computing the individual’s deduction under that subsection for the taxation year.**

29 Chapter 217 is further amended by adding immediately after Section 10I the following Section:

10J (1) Subsections 118(4), (5) and (6) of the Federal Act apply to Sections 10C and 10D.

(2) Subsections 118(4), (5) and (6) of the Federal Act apply to Sections 10E and 10F except that paragraphs 118(4)(c) and (d) are to be replaced with paragraphs 118(4)(c), (d) and (e) as those paragraphs read for the 2016 taxation year.

(3) Subsections 118(7) and (8) of the Federal Act apply to Section 10H.

(4) This Section applies to taxation years commencing after December 31, 2016.

30 Section 21 of Chapter 217, as enacted by Chapter 9 of the Acts of 2007 and amended by Chapter 8 of the Acts of 2011 and Chapter 6 of the Acts of 2015, is further amended by striking out clauses (a) and (aa) and substituting the following clause:

(a) 1.5% of the total of the amount required under paragraph 82(1)(a) and subparagraph 82(1)(b)(i) of the Federal Act to be included in computing the individual’s income for the year for taxation years after December 31, 2024; and

31 Subsection 22A(2) of Chapter 217, as enacted by Chapter 3 of the Acts of 2024, is amended by

- (a) striking out “2025” and substituting “2026”; and**
- (b) striking out clause (b) and substituting the following clause:**

(b) the product obtained by multiplying the amount referred to in clause (a) by

- (i) the consumer price index amount calculated for the period as determined under the regulations, or
- (ii) the amount determined by an order of the Governor in Council.

32 Section 30 of Chapter 217 is repealed and the following Section substituted:

30 Section 120.4 of the Federal Act applies for the purposes of this Act, except that

- (a) the percentage set out in subsection 120.4(2) of the Federal Act shall be read, for the purposes of this Act, as a reference to the “highest percentage”; and
- (b) references to “Canada” in the definitions of “source individual” and “specified individual” shall be read as “Canada” notwithstanding clause 2(10)(j) of this Act.

33 Clause 35(1)(a) of Chapter 217 is repealed and the following clause substituted:

(a) “adjusted income” of an individual for a taxation year commencing after December 31, 2017, means the total of all amounts each of which would be the income for the year of the individual or the individual’s qualified relation for the year both calculated as if no amount were

- (i) included under paragraph 56(1)(q.1) or subsection 56(6) of the Federal Act, in respect of any gain from a disposition of property to which section 79 of the Federal Act applies, or in respect of a gain described in subsection 40(3.21) of the Federal Act, or
- (ii) deductible under paragraph 20(1)(ww) or 60(y) or (z) of the Federal Act,

in computing that income.

34 Subsection 37A(11) of Chapter 217 is repealed and the following subsection substituted:

(11) A corporation is jointly and severally liable, in the circumstances prescribed by the regulations, to pay to the Minister of Finance and Treasury Board an amount equal to deductions made by eligible investors in respect of the corporation.

35 (1) Subsection 40(5) of Chapter 217 is repealed.

(2) Subsection 40(6) of Chapter 217, as enacted by Chapter 3 of the Acts of 2013 and amended by Chapter 6 of the Acts of 2017, is further amended by

- (a) striking out “and” immediately after clause (a);**
- (b) striking out “and” immediately after clause (b);**
- (c) striking out the period at the end of clause (c) and substituting “; and”; and**

(d) adding immediately after clause (c) the following clause:

(d) \$700,000 for the period commencing on April 1, 2025.

(3) Subsection 40(7) of Chapter 217, as enacted by Chapter 8 of the Acts of 2011 and amended by Chapter 4 of the Acts of 2012, Chapter 3 of the Acts of 2013 and Chapter 2 of the Acts of 2020, is further amended by

(a) striking out “and” at the end of clause (e);

(b) striking out the period at the end of clause (f) and substituting “; and”; and

(c) adding immediately after clause (f) the following clause:

(g) 1.5% for the period commencing on April 1, 2025.

36 Section 51 of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by adding “, except 153(1.02) to (1.04),” immediately after “153(1) to (3)”.

37 Subsection 107(1) of Chapter 217 is repealed and the following subsection substituted:

(1) In this Section, “offshore area” means Sable Island and the submarine area of the Province that is between the inner limits and the outer limits described in the Schedule, as amended from time to time, of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management (Nova Scotia) Act*.

PART VIII

INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE (HAGUE CONVENTION) ACT

38 Schedule B, the *International Recovery of Child Support and Family Maintenance (Hague Convention) Act*, comes into force as provided in that Schedule.

PART IX

NON-RESIDENT DEED TRANSFER TAX ACT

39 (1) Subsection 4(2) of the Schedule to Chapter 4 of the Acts of 2022, the *Non-resident Deed Transfer Tax Act*, is amended by adding “and until and including March 31, 2025” immediately after “2023”.

(2) Section 4 of the Schedule to Chapter 4 is further amended by adding immediately after subsection (2) the following subsections:

(3) Every person who on or after April 1, 2025, tenders for registration in the Province a deed in respect of residential property that grants an owner-

ship interest to one or more non-residents shall, before the deed is registered, pay to the Minister a deed transfer tax of 10 per cent of the greater of

- (a) the sale price; and
- (b) the assessed value of the residential property,

multiplied by the percentage ownership interest granted to each non-resident.

(4) Notwithstanding subsection (3), where an agreement of purchase and sale was entered into before April 1, 2025, in respect of a transaction resulting in a deed tendered for registration on or after July 1, 2023, the deed transfer tax payable must be calculated under subsection (2).

40 Section 18 of the Schedule to Chapter 4 is repealed.

41 Section 20 of the Schedule to Chapter 4 is repealed and the following Section substituted:

20 (1) Where a person is required to pay an amount to the Province under this Act in respect of a residential property and the person does not pay the amount, the Province has a lien for the unpaid amount against the residential property.

(2) The lien referred to in subsection (1) is not a charge against the land until a certificate evidencing the lien is issued by the Administrator and registered under the *Land Registration Act*.

(3) The lien referred to in subsection (1) is payable in priority to all other liens, charges or mortgages against the residential property, other than a lien for municipal taxes.

(4) The Administrator may record a notice of the lien referred to in subsection (1) in the parcel register of the residential property to which the lien applies and, upon doing so, shall provide the owner of the residential property with a copy of the lien and recording particulars.

(5) Upon satisfaction of a lien, including payment of the fees for recording the lien and the release, the Administrator shall record a release of the lien in the parcel register of the residential property and, upon doing so, shall inform the owner of the residential property of the release.

PART X

PUBLIC SERVICE SUPERANNUATION ACT

42 Clause 2(e) of Schedule B of Chapter 4 of the Acts of 2012, the *Public Service Superannuation Act*, is amended by adding “, adjusted for members whose contribution rates are proportionate to their percentage rate of accrual of benefit per year of service” immediately after “whole”.

43 Section 88 of Schedule B of Chapter 4, as amended by Chapter 4 of the Acts of 2018, is further amended by adding immediately after subsection (2) the following subsection:

(2A) An adjustment to the contribution rate proportionate to an adjustment in the percentage rate of accrual of benefit per year of service does not constitute an amendment to contribution rates or plan eligibility and benefits for the purpose of subsection (2).

PART XI

EFFECTIVE DATES

- 44 (1)** Sections 7 to 18 have effect on and after April 1, 2025.
- (2)** Section 36 is deemed to have effect on and after March 25, 2020.

SCHEDULE A

An Act Respecting Entertainment Licensing and Classification

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Entertainment Licensing and Classification Act*.
- 2** In this Act,
- “Administrator” means the person appointed as Administrator for the purpose of this Act;
- “Civil Service” has the same meaning as in the *Civil Service Act*;
- “classification” means the categorization of entertainment or forms of entertainment in accordance with this Act and the regulations;
- “distribution” means the sale, lease, rental, exhibition or exchange of, or other means of dispersing, entertainment in any form, or offering to do any of those things;
- “distributor” means a person who engages in distribution;
- “entertainment” means
- (a) a movie;
 - (b) a video game;
 - (c) a performance or exhibition;
 - (d) a class of activity or service wholly or partly undertaken for amusement or recreation that is prescribed by the regulations; and
 - (e) a class of device or thing wholly or partly used for amusement or recreation that is prescribed by the regulations;
- “former Act” means Chapter 466 of the Revised Statutes, 1989, the *Theatres and Amusements Act*;
- “inspector” means a person appointed as an inspector for the purpose of this Act;
- “licensee” means a person who is granted a licence under this Act;
- “Minister” means the Minister of Service Nova Scotia, or such other member of the Executive Council assigned responsibility for this Act by the Governor in Council;

“movie” means a photographic moving picture film or any means by which moving pictures are displayed, and includes a videotape, video cassette, videodisc or similar video device by which a photographic moving picture film is projected or displayed;

“operator” means a person who provides, manages, controls or owns a place of entertainment;

“place of entertainment” means any place or part of a place where entertainment is provided or occurs;

“Review Board” means the Regulatory and Appeals Board as defined in the *Energy and Regulatory Boards Act*, or such other body as appointed by the Governor in Council to perform the duties and functions and exercise the powers and authorities imposed or conferred upon the Review Board by this Act and the regulations;

“video game” means an object or device that stores recorded data or instructions, receives data or instructions generated by a user and, by processing the data or instructions, creates an interactive game capable of being played, viewed or experienced through a computer, gaming system or other technology.

3 The Minister has the general supervision and management of this Act.

4 (1) The Minister shall appoint a person in the Civil Service as Administrator for the purpose of this Act.

(2) The Administrator shall perform the duties and functions and exercise the powers and authorities imposed or conferred upon the Administrator by this Act and the regulations.

5 The Minister may, in the absence or incapacity of the Administrator or when the office of the Administrator is vacant, authorize another person in the Civil Service to act in the Administrator’s stead.

6 The Administrator may delegate in writing to a person in the Civil Service or a class of persons in the Civil Service any of the duties, functions, powers and authorities of the Administrator under this Act and the regulations and the Administrator shall, when so delegating, specify the duties or functions to be performed, the powers or authorities to be exercised and any conditions imposed on the performance of the specified duties or functions or exercise of the specified powers or authorities.

7 (1) The Administrator shall

(a) where required by the regulations, establish or adopt a system or systems of classification for entertainment in accordance with the regulations; and

(b) implement any system of classification for entertainment established or adopted by the regulations.

(2) The Administrator may classify, prohibit, approve of or disapprove of entertainment in accordance with any classification system established or adopted under subsection (1).

(3) Where a delegate of the Administrator has classified, prohibited, approved of or disapproved of entertainment under subsection (2), the Administrator may

(a) adopt, approve or otherwise confirm the classification, prohibition, approval or disapproval; or

(b) rescind, revoke or alter the classification, prohibition, approval or disapproval as the Administrator considers appropriate.

(4) Where a distributor or operator has classified entertainment in accordance with any classification system established or adopted under subsection (1), the Administrator may

(a) adopt, approve or otherwise confirm the classification;

(b) disapprove or otherwise reject the classification;

(c) prohibit the entertainment; or

(d) alter the classification as the Administrator considers appropriate.

8 Distributors and operators shall

- (a) meet all classification requirements under any classification system established or adopted under Section 7; and
- (b) provide such information respecting the content or classification of entertainment as the Administrator may require for the purpose of this Act and the regulations.

9 (1) The Minister may enter into agreements with other governments, agencies or organizations for the purpose of adopting classifications.

(2) Where the Minister enters into an agreement under subsection (1) to adopt the classifications of a government, agency or organization, the classifications of that government, agency or organization are deemed to have been established by the Administrator.

10 The Administrator may grant, refuse, condition, suspend or cancel a licence in accordance with the regulations and any criteria established therein.

11 The Administrator may refuse to grant or renew a licence

- (a) if the applicant or licensee contravenes this Act or the regulations;
- (b) if the applicant or licensee is convicted of an offence under the *Criminal Code* (Canada) or a quasi-criminal statute;
- (c) if there are reasonable grounds to believe that the applicant or licensee will not act in accordance with the law;
- (d) if, in the case of a renewal, the licensee has failed to comply with any of the terms and conditions of the licence;
- (e) if the grant or renewal of the licence would not be in the public interest; or
- (f) under such additional circumstances as may be prescribed by the regulations.

12 The Administrator may suspend or cancel a licence, impose terms or conditions on a licence or rescind or amend existing terms or conditions on a licence

- (a) if the licensee contravenes this Act or the regulations;
- (b) if an applicant or licensee is convicted of an offence under the *Criminal Code* (Canada) or a quasi-criminal statute;
- (c) if there are reasonable grounds to believe that the licensee is not acting in accordance with the law;
- (d) if the licensee has failed to comply with any of the terms and conditions of the licence;
- (e) if the suspension or cancellation of the licence or the imposition, rescission or amendment of terms or conditions would be in the public interest; or
- (f) under such additional circumstances as may be prescribed by the regulations.

13 (1) Where the Administrator proposes to issue an order refusing to grant or renew a licence, or suspending or cancelling a licence, the Administrator shall serve notice of the proposed order, together with written reasons, on the applicant or licensee.

(2) Any notice of a proposed order must inform the applicant or licensee that the applicant or licensee is entitled to request a review of the proposed order.

(3) To request a review of a proposed order, the applicant or licensee shall serve a written request on the Administrator within 15 days after the Administrator serves notice of the proposed order.

(4) The Administrator may make the proposed order if the applicant or licensee does not request a review within the time required by subsection (3).

14 (1) Where a review is requested under Section 13, the Administrator shall conduct the review in accordance with the proposed order review procedure prescribed by the regulations.

- (2) After completing a review, the Administrator may, by order,
 - (a) confirm or set aside the proposed order; or
 - (b) take such action as the Administrator considers appropriate to give effect to the purpose of this Act.
- (3) An order of the Administrator takes effect immediately unless the order states otherwise.

15 (1) A licensee or applicant may appeal an order issued by the Administrator refusing to grant or renew a licence, or suspending or cancelling a licence, to the Review Board.

(2) A distributor or operator seeking classification of entertainment under Section 7 may appeal a classification issued by the Administrator to the Review Board.

(3) To request an appeal to the Review Board, the person entitled to the appeal shall serve a written request on the Administrator and the Review Board within 15 days after the Administrator issues an order or classification.

(4) The Administrator, the person requesting the appeal and such other persons as the Review Board may specify are the parties to the appeal.

16 (1) After holding a hearing, the Review Board may, by order,

- (a) confirm or set aside an order or classification issued by the Administrator; or
- (b) direct the Administrator to take such action as the Review Board considers the Administrator ought to take to give effect to the purpose of this Act.

(2) In making an order, the Review Board may substitute its opinion for that of the Administrator.

(3) The Review Board may attach such terms to an order, a classification or a licence as the Board considers appropriate.

(4) An order of the Review Board takes effect immediately unless the order states otherwise.

17 The Minister may appoint persons or classes of persons as inspectors for the purpose of this Act.

18 (1) An inspector may make inquiries and conduct examinations of the business and activities of persons subject to this Act to ensure that the person is complying with the requirements established by this Act and the regulations.

(2) Where, in the opinion of an inspector, a person who is not a licensee is or was required to have a licence, the inspector may make such inquiries and conduct such examinations of the business and activities of the person as the inspector considers appropriate in the circumstances.

(3) Subject to Section 2B of the *Summary Proceedings Act*, an inspector may do all or any of the following things in the course of making an inquiry or conducting an examination:

- (a) enter at any reasonable time and inspect any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time premises containing any records or property required to be kept pursuant to this Act or related to the administration of this Act and inspect those records or that property;
- (c) require a person and any agent, representative, partner, director, officer or employee of the person to
 - (i) answer any questions that may be relevant to the inspection, and
 - (ii) provide the inspector with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
- (d) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person required to be licensed pursuant to this Act;

(e) remove for examination and copy anything that may be relevant to the inquiry or examination, including removing any computer hardware or software or any other data storage, processing or retrieval device or system in order to produce information.

(4) An inspector may serve a written demand on any person requiring that person to produce any records or property

- (a) required to be kept pursuant to this Act; or
- (b) related to the administration of this Act.

(5) No person on whom a written demand is served pursuant to this Section shall fail to produce the records or property referred to in the written demand within the time specified in the written demand.

(6) Where an inspector demands any records or property pursuant to this Section, the inspector may examine the records or property and make copies of the records with reasonable dispatch and promptly return the originals of the records to the person who produced them.

(7) Where an inspector requires a person to answer questions, to produce a record or other property or to provide assistance in accordance with this Section, the person shall do so in the manner and within the time specified by the inspector.

(8) An inspector shall

- (a) give a receipt for anything that the inspector removes for examination and copying;
- (b) promptly return anything removed pursuant to this Section to the place from which it was removed or any other place agreed to by the inspector and the person who furnished it; and
- (c) take all reasonable steps to ensure that, where a record is taken, a copy of the record is left at the premises to allow business to be carried on.

19 An inspector may, in the performance of the inspector's duties under this Act, call for the assistance of any constable, police officer or other peace officer and, where such assistance is called for, it is the duty of the constable, police officer or peace officer to render assistance.

20 Where an inspector is empowered, authorized or required by this Act or the regulations to do any act, matter or thing, the Administrator or inspector may use such force as is reasonably necessary.

21 The Administrator has all the powers of an inspector and, while exercising such powers, has all the duties of an inspector.

22 (1) The Administrator may order the cessation of any form of entertainment or the closure of any place of entertainment for a period of no more than 14 days if

- (a) the Administrator reasonably believes that the entertainment or operation of a place of entertainment has resulted in, or will result in, a situation that constitutes a serious risk to public health, safety or order, a violation of the *Criminal Code* (Canada) or a violation of any other law of the Province or federal law of Canada;
- (b) the Administrator reasonably believes a violation of this Act or another enactment is occurring or will occur; or
- (c) the Administrator is authorized by the regulations to make such an order.

(2) The Administrator shall only issue an order pursuant to subsection (1) if the Administrator reasonably believes the order is the minimum action necessary, considering all of the circumstances, to address the conditions which give rise to the order.

(3) An order issued pursuant to subsection (1) may be revoked if

- (a) the Administrator is satisfied the distributor or operator has made such changes to the entertainment or place of entertainment as are necessary to safeguard the public interest;
- (b) the Administrator believes the conditions requiring the cessation or closure are no longer present; or
- (c) the Minister so instructs the Administrator in writing.

(4) The Minister may, where it is in the public interest to do so, extend an order issued pursuant to subsection (1) for such longer time as may be determined by the Minister.

23 Where the Administrator orders

- (a) the cessation of a form of entertainment; or
- (b) a closure of a place of entertainment,

the distributor or operator, as applicable, may appeal the order to the Supreme Court of Nova Scotia, and the judge may make an order confirming or setting aside the order of the Administrator.

24 (1) A person who

- (a) undertakes or engages in an activity for which a licence is required when the person does not hold a licence;
- (b) undertakes, engages in, offers or provides entertainment in a place for which a licence is required when the person does not hold a licence;
- (c) where classification is required, offers or provides entertainment that has not been classified;
- (d) is a licensee or an employee of a licensee who permits a person to view or access entertainment when the person is prohibited from doing so;
- (e) facilitates a person to view or access entertainment that is prohibited;
- (f) makes a false or misleading statement, either orally or in writing, to the Administrator or an inspector while the Administrator or the inspector is exercising powers or carrying out duties or functions under this Act or the regulations;
- (g) hinders or obstructs the Administrator or an inspector in the exercise of their powers or carrying out of their duties or functions under this Act and the regulations;
- (h) otherwise violates this Act; or
- (i) violates a direction or order of the Administrator or the Minister,

is guilty of an offence.

(2) A person who is guilty of an offence under this Act is liable

- (a) in the case of an individual, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years less a day, or both; or
- (b) in the case of a corporation, to a fine of not more than \$500,000.

25 A prosecution under this Act may not be commenced more than three years after the later of

- (a) the date on which the offence was committed; and
- (b) the date on which the evidence of the offence first came to the attention of the Administrator.

26 Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed.

27 In a prosecution of an offence pursuant to this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.

28 Any exhibition, display or offering of entertainment or engaging in activity is prima facie evidence in any proceeding that a person was carrying on the business of exhibiting, displaying, or offering entertainment, or otherwise engaging in that activity.

29 (1) The Administrator may issue a signed certificate that contains information concerning

- (a) the status of a licence issued to any person or place of entertainment;

- (b) the status of an application submitted to the Administrator for a licence in accordance with this Act and the regulations;
- (c) the status of any documents or material required or permitted to be filed with the Administrator;
- (d) the date on which any facts upon which proceedings are based first came to the knowledge of the Administrator; or
- (e) any other matter as may be required or related to carrying out and administering the terms of this Act and the regulations.

(2) A certificate issued under subsection (1) is, without proof of the office or signature of the Administrator, receivable in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the certificate.

30 Where a regulation or bylaw of a regional municipality, town, municipality of a county or district or other local body conflicts with this Act or the regulations, this Act and the regulations prevail to the extent of the conflict.

31 (1) The Governor in Council may make regulations

- (a) respecting fees, including imposing and prescribing fees for the purpose of this Act;
- (b) exempting classes of persons from a requirement to pay a fee that would otherwise be payable under this Act and the regulations;
- (c) authorizing the Administrator to waive all or part of the prescribed fees and prescribing the circumstances in which the Administrator may do so;
- (d) setting minimum fines to which a person who is guilty of an offence under this Act is liable, including setting different minimum fines for repeat offenders and setting different minimum fines for different classes of persons or classes of licence;
- (e) where this Act refers to a matter or thing being prescribed and the authority to prescribe the matter or thing has not been specifically assigned to the Minister, prescribing the matter or thing;
- (f) defining any word or expression used but not defined in this Act;
- (g) further defining any word or expression used in this Act;
- (h) respecting any matter the Governor in Council considers necessary or advisable to effectively carry out the intent of this Act.

(2) A regulation made under this Section may be of general application or may apply to a class of persons, classes of entertainment or classes of matters or things as the Governor in Council determines, and there may be different regulations for different classes of persons, entertainment, matters or things.

(3) The exercise by the Governor in Council of the authority in subsection (1) is a regulation within the meaning of the *Regulations Act*.

32 (1) The Minister may make regulations

- (a) respecting the duties, functions, powers and authorities of the Administrator;
- (b) prescribing criteria in accordance with which the Administrator may exercise the powers and authorities given to the Administrator under this Act and the regulations;
- (c) respecting reporting by and the publication of reports by the Administrator, including requiring reports and setting criteria for reports;
- (d) respecting the provision of documents or things to the Administrator, including prescribing the form and manner in which the document or thing must be provided and specifying the time within which the document or thing must be provided;
- (e) requiring specified information that must be provided under this Act and the regulations to be verified by statutory declaration;
- (f) prescribing forms or authorizing the Administrator to prescribe forms for the purpose of this Act and the regulations;

(g) authorizing the Administrator to publish reports or otherwise make specified information publicly available, which may include information respecting non-compliance by a person subject to this Act and the regulations;

(h) respecting the classification, distribution, licensing and regulation of entertainment and places of entertainment, including

- (i) prescribing entertainment or forms of entertainment for which classification is required,
- (ii) establishing or adopting a system or systems of classification,
- (iii) requiring the Administrator to establish or adopt a system or systems of classification,
- (iv) respecting the submission of entertainment for classification and any information that may be required as part of such submission,
- (v) prescribing the criteria to be followed in classifying entertainment,
- (vi) prescribing criteria for prohibiting forms of entertainment, in whole or in part,
- (vii) prescribing criteria by which a distributor or an operator must classify entertainment or places of entertainment,
- (viii) prescribing terms and conditions for the distribution or advertisement of entertainment,
- (ix) respecting the time within which a distributor or an operator must comply with new or amended classification requirements,
- (x) respecting the time within which a distributor or an operator must comply with new or amended terms and conditions for the distribution or advertisement of entertainment,
- (xi) prescribing entertainment or places of entertainment for which a licence is required and persons or classes of persons who require a licence,
- (xii) respecting terms and conditions that may be required to offer entertainment, including mandatory terms and conditions, and requiring compliance with those terms and conditions,
- (xiii) establishing classes of licences,
- (xiv) prescribing eligibility criteria, terms, conditions, limitations and expiry dates applicable to licences or a class of licences,
- (xv) prescribing circumstances under which the Administrator may refuse to grant or renew a licence,
- (xvi) prescribing circumstances under which the Administrator may suspend or cancel a licence, impose terms or conditions on a licence or rescind or amend existing terms or conditions on a licence,
- (xvi) respecting the skills, educational requirements or educational programs required for licensees,
- (xvii) prescribing security or background requirements for licensees or places of entertainment,
- (xviii) respecting record-keeping requirements applicable to licensees, distributors or operators,
- (xx) respecting times or circumstances in which a person is ineligible for a licence,
- (xxi) respecting the display of notices or other methods of disclosure at places of entertainment,
- (xxii) respecting advertising or publication requirements for entertainment or at places of entertainment, including requiring distributors or operators to publish information about the content of entertainment or to otherwise make such information publicly available,
- (xxiii) respecting persons or classes of persons prohibited from offering, attending or engaging in the distribution of entertainment, and
- (xxiv) respecting the location of any type, class or category of places of entertainment;

- (i) respecting the inspection of places of entertainment or prospective places of entertainment and the duties, functions, powers and authorities of inspectors;
- (j) respecting the seizure, forfeiture and disposal of any form or class of entertainment that is exhibited or made available to the public in violation of this Act or the regulations;
- (k) exempting any class of persons from all or any part of this Act or the regulations;
- (l) exempting any entertainment or class of entertainment from all or any portion of this Act or the regulations;
- (m) exempting any activity or class of activity from all or any part of this Act or the regulations;
- (n) prescribing the procedure to be followed for review of a proposed order;
- (o) respecting appeals, including establishing appeal procedures and specifying persons eligible to appeal;
- (p) respecting a system of administrative penalties.

(2) A regulation made under this Section may be of general application or may apply to a class of persons, classes of entertainment or classes of matters or things as the Minister determines, and there may be different regulations for different classes of persons, entertainment, matters or things.

(3) The exercise by the Minister of the authority set out in subsection (1) is a regulation within the meaning of the *Regulations Act*.

33 Where, immediately before the coming into force of this Act, entertainment was classified under the former Act, the classification of that entertainment continues and is deemed to meet the requirements of this Act.

34 Where, immediately before the coming into force of this Act, a licence was in force under the former Act, that licence is terminated upon the coming into force of this Act.

35 The Film Classification Board established under the former Act is dissolved.

36 Clause 3(e) of Chapter 12 of the Revised Statutes, 1989, the *Amusement Devices Safety Act*, is amended by adding “, Skills and Immigration” immediately after “Labour”.

37 Section 8 of Chapter 12 is amended by

- (a) striking out “of Consumer Affairs; and” in clause (b) and substituting a period; and
- (b) striking out clause (c).

38 Subsection 9(1) of Chapter 12 is amended by striking out “of Consumer Affairs”.

39 Section 23 of Chapter 12 is renumbered as Section 21.

40 Subsection 7(1) of Chapter 43 of the Revised Statutes, 1989, the *Combat Sports Authority Act*, is amended by striking out “pursuant to the *Theatres and Amusements Act*” and substituting “to the Province or the Government of Canada”.

41 The former Act is repealed.

42 This Act comes into force on such day, not before April 1, 2025, as the Governor in Council orders and declares by proclamation.

SCHEDULE B

**An Act to implement the Hague Convention of 23 November 2007
on the International Recovery of Child Support
and Other Forms of Family Maintenance**

1 This Act may be cited as the *International Recovery of Child Support and Family Maintenance (Hague Convention) Act*.

2 The purposes of this Act are

(a) to implement the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance; and

(b) to provide that, to the extent specified under this Act, the procedures that apply with respect to applications under the Convention are those that apply with respect to comparable applications under the *Interjurisdictional Support Orders Act*.

3 (1) In this Act,

“Central Authority” means the authority designated under Section 8 to discharge the duties that are imposed by the Convention;

“competent authority” means a person or entity specified by a regulation made under subsection 9(1) or designated by the Central Authority under subsection 9(2) to exercise a power, duty or function under the Convention;

“Contracting State” means a country other than Canada in which the Convention applies;

“Convention” means the *Convention on the International Recovery of Child Support and Other Forms of Family Maintenance*, set out in the Schedule;

“court” means the Supreme Court of Nova Scotia (Family Division);

“Minister” means the Minister of Justice and Attorney General.

(2) Words and expressions used in this Act have the same meaning as the corresponding words and expressions used in the Convention.

(3) For greater certainty, the term “decision”, when used in this Act, means a decision to which Chapter V of the Convention applies under Article 19(1) of the Convention and, as applicable, a maintenance arrangement as provided for under Article 30, and includes a support order as defined in the *Interjurisdictional Support Orders Act*.

4 In interpreting the Convention, recourse may be had to the *Explanatory Report on the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*, published by the Hague Conference on Private International Law in September 2013.

5 Except where this Act provides otherwise, in the event of an inconsistency between this Act and any other enactment, this Act prevails to the extent of the inconsistency.

6 The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance adopted by the Twenty-First Session of the Hague Conference on Private International Law held from November 5 to 23, 2007, set out in the Schedule to this Act, has force of law in the Province on and after the day it enters into force in accordance with Article 60 of the Convention.

7 (1) Where Canada makes a declaration with respect to the Province under Article 2(3) of the Convention that the application of the Convention extends to applications respecting child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including but not limited to enrolment in a full-time program of education, to withdraw from their parents’ charge or to obtain the necessities of life, the definition of “dependent child” in Section 2 of the *Parenting and Support Act* applies to such applications.

(2) Where Canada makes a declaration with respect to the Province under Article 2(3) of the Convention that the application of Chapters II and III of the Convention extends to applications respecting only spousal support, this Act applies, with necessary modifications, with respect to such applications.

(3) Where Canada makes a reservation with respect to the Province under Article 20(2) of the Convention in respect of Articles 20(1)(c), (e) and (f), none of the following circumstances may alone form the basis for the recognition and enforcement in the Province of a decision for the purposes of Article 20(1):

- (a) the creditor was habitually resident in the State of origin at the time proceedings were instituted;
- (b) except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction of the State of origin in writing by the parties;
- (c) the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.

(4) Where Canada makes a declaration in respect of the Province under Article 30(7) of the Convention that applications for recognition and enforcement of a maintenance arrangement shall only be made through the Province's Central Authority, such applications shall only be made through the Central Authority as determined under Section 8.

8 (1) Subject to subsection (3), the designated authority appointed under the *Interjurisdictional Support Orders Act* is the Central Authority for the purposes of the Convention.

(2) The Central Authority may, in writing, delegate any of its powers, duties or functions under this Act to any other person or persons.

(3) The Minister may, in writing, designate one or more persons or entities to exercise any power or perform any duty or function of the Central Authority instead of the designated authority, other than,

- (a) the power to delegate under subsection (2); and
- (b) any other power specified by the regulations.

9 (1) The competent authority in respect of a provision of this Act or the regulations, or in respect of a power, duty or function of the competent authority under this Act, is the person or entity specified by the regulations in respect of that provision, power, duty or function.

(2) Regulations made for the purposes of subsection (1) may provide that the Central Authority may make a determination respecting the competent authority in respect of a provision of this Act or the regulations or in respect of a power, duty or function of the competent authority under this Act.

10 Where a Contracting State is declared a reciprocating jurisdiction by regulations made under the *Interjurisdictional Support Orders Act*, that Contracting State and the Province are deemed to have between them a reciprocity arrangement that meets the requirements of Article 52(1) of the Convention.

11 Subject to Article 18 of the Convention, nothing in this Act affects the availability of any other remedy to

- (a) a person;
- (b) the Province or another province of Canada;
- (c) a jurisdiction outside Canada; or
- (d) a political subdivision or official agency of the Province, a province of Canada or a jurisdiction outside Canada.

12 (1) This Section applies with respect to applications made to the Central Authority,

- (a) by the Central Authority of a requesting State under Article 10 of the Convention; or
- (b) directly by the applicant, as contemplated by Article 52(1)(d) of the Convention.

(2) Except where this Act or the regulations provide otherwise, the *Interjurisdictional Support Orders Act* and the *Interjurisdictional Support Orders Regulations* apply, with the following and any other necessary modifications, with respect to an application made to the Central Authority:

- (a) a reference in the *Interjurisdictional Support Orders Act* or in the *Interjurisdictional Support Orders Regulations* to the designated authority shall be read as a reference to the Central Authority;
- (b) a reference in the *Interjurisdictional Support Orders Act* to the “Nova Scotia court” shall be read as a reference to the court as defined in this Act;
- (c) any other modifications that may be specified by the regulations.

(3) For greater certainty, Article 23 and not Article 24 of the Convention applies with respect to the procedures on an application for recognition and enforcement of a decision to the Central Authority.

(4) For the purpose of Article 25(3)(b) of the Convention, the application for recognition and enforcement of a decision may be accompanied by

- (a) an uncertified copy of the decision, unless the Central Authority consider it appropriate to require a certified copy; or
- (b) by an abstract or extract of the decision, subject to any requirements that may be specified in the regulations.

(5) An application transmitted to the Central Authority in accordance with Article 12 in the form recommended and published by the Hague Conference on Private International Law is, despite Section 67 of the *Evidence Act*, admissible in evidence as proof, in the absence of evidence to the contrary, of the contents of the application.

13 (1) For the purpose of Article 37 of the Convention, a request for recognition and enforcement of a decision made directly to the competent authority is subject to the procedures provided for in the regulations or, where no such procedures are provided for in the regulations, to the rules of court.

(2) Regulations made for the purpose of subsection (1) may require or provide that a request referred to in that subsection be directed to the Central Authority and treated as an application under Article 10(1)(a) or (2)(a) of the Convention.

14 For the purpose of Article 32 of the Convention, a decision that has been registered for enforcement under Article 23 of the Convention is enforceable in the same manner as a support order registered under the *Interjurisdictional Support Orders Act* and, for that purpose, Section 19 of the *Interjurisdictional Support Orders Act* applies with necessary modifications with respect to an enforceable decision.

15 (1) Sections 20 and 21 of the *Interjurisdictional Support Orders Act* apply with necessary modifications to a challenge or appeal under Article 23(5) of the Convention as if the challenge or appeal were an application to set aside the registration of an order, except to the extent that their application conflicts with the procedural requirements of Article 23.

(2) For the purpose of the further appeal referred to in Article 23(10) of the Convention, the decision of the court may be appealed by,

- (a) the applicant;
- (b) the respondent; or
- (c) the Central Authority.

(3) For the purpose of an appeal referred to in subsection (2), Section 42 of the *Interjurisdictional Support Orders Act* applies with necessary modifications.

16 Where, in a proceeding under this Act, a document from a competent authority in a Contracting State contains terminology different from the terminology in this Act, or contains terminology or is in a form different than that customarily in use in a court, the court shall give a broad and liberal interpretation to the terminology or form so as to give effect to the document.

17 The physical presence of the applicant, or of a child who is a subject of the application, is not required in any proceeding under this Act.

18 (1) The documents referred to in Articles 25(1)(b) and 30(3)(b) of the Convention may be provided by the competent authority.

(2) Where the Central Authority determines under Article 40(1) of the Convention that disclosure or confirmation of a person's personal information could jeopardize the health, safety or liberty of a person, the Central Authority may

- (a) remove a person's personal information from an application under the Convention; and
- (b) substitute the Central Authority's contact information.

19 An application to vary a support order that was registered under Section 19 of the *Interjurisdictional Support Orders Act* before the day the Convention began to apply in the Province must be brought or continued under this Act as an application under Article 10 of the Convention to modify a decision if, at the time the application is or was made, the state in which the decision was made is or was a Contracting State.

20 (1) This Act applies with respect to a decision made in a Contracting State that has been registered and is enforceable in another jurisdiction of Canada under an Act of that jurisdiction that adopts the Convention, except that no challenge or appeal of the registration of the decision under this Act may be brought under Article 23(5) of the Convention, regardless of whether or not any such challenge or appeal was brought in the other jurisdiction.

(2) Notwithstanding subsection (1), the respondent may apply under subsection 15(1) if they did not receive notice of the application for recognition and enforcement in the other jurisdiction of Canada where the decision was previously registered for enforcement.

21 No action or proceeding may be brought against the Central Authority, the competent authority, anyone delegated by the Central Authority under subsection 8(2) or anyone designated by the Minister under subsection 8(3) for anything done, or omitted to be done, in good faith, in the exercise or performance, or intended exercise or performance, of a power or duty under this Act or the regulations.

22 The Minister is responsible for the administration of this Act.

23 This Act binds the Crown in right of the Province.

24 (1) The Governor in Council may make regulations

- (a) governing procedures for applications made under the Convention;
- (b) governing the information and documents that must be included in an application made under the Convention;
- (c) for the purpose of subsection 12(4), specifying the manner and form of, and information to be included in, an abstract or extract of a decision that accompanies an application;
- (d) governing procedures for requests referred to in subsection 13(1);
- (e) respecting notices, service or giving of notices, information and documents under this Act;
- (f) respecting forms and providing for their use;
- (g) respecting fees the Central Authority may charge for the costs of translation of an application and related documents under Article 45(3) of the Convention;
- (h) providing for any transitional matters relating to the implementation of this Act;
- (i) defining any word or phrase used but not defined in this Act;
- (j) respecting any matter that the Governor in Council considers necessary or advisable to carry out the purposes of this Act.

(2) A regulation made under clause (1)(b) prevails in the event of a conflict with this Act, other than the Convention, or with any other Act or regulation.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

25 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

SCHEDULE

CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE

The States signatory to the present Convention,

Desiring to improve co-operation among States for the international recovery of child support and other forms of family maintenance,

Aware of the need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair,

Wishing to build upon the best features of existing Hague Conventions and other international instruments, in particular the United Nations *Convention on the Recovery Abroad of Maintenance* of 20 June 1956,

Seeking to take advantage of advances in technologies and to create a flexible system which can continue to evolve as needs change and further advances in technology create new opportunities,

Recalling that, in accordance with Articles 3 and 27 of the United Nations *Convention on the Rights of the Child* of 20 November 1989,

- in all actions concerning children the best interests of the child shall be a primary consideration,
- every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development,
- the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development, and
- States Parties should take all appropriate measures, including the conclusion of international agreements, to secure the recovery of maintenance for the child from the parent(s) or other responsible persons, in particular where such persons live in a State different from that of the child,

Have resolved to conclude this Convention and have agreed upon the following provisions –

CHAPTER I – OBJECT, SCOPE AND DEFINITIONS

Article 1 Object

The object of the present Convention is to ensure the effective international recovery of child support and other forms of family maintenance, in particular by –

- a) establishing a comprehensive system of co-operation between the authorities of the Contracting States;
- b) making available applications for the establishment of maintenance decisions;
- c) providing for the recognition and enforcement of maintenance decisions; and
- d) requiring effective measures for the prompt enforcement of maintenance decisions.

Article 2 Scope

(1) This Convention shall apply –

- a) to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years;
- b) to recognition and enforcement or enforcement of a decision for spousal support when the application is made with a claim within the scope of sub-paragraph a); and
- c) with the exception of Chapters II and III, to spousal support.

- (2) Any Contracting State may reserve, in accordance with Article 62, the right to limit the application of the Convention under sub-paragraph 1 *a*), to persons who have not attained the age of 18 years. A Contracting State which makes this reservation shall not be entitled to claim the application of the Convention to persons of the age excluded by its reservation.
- (3) Any Contracting State may declare in accordance with Article 63 that it will extend the application of the whole or any part of the Convention to any maintenance obligation arising from a family relationship, parentage, marriage or affinity, including in particular obligations in respect of vulnerable persons. Any such declaration shall give rise to obligations between two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.
- (4) The provisions of this Convention shall apply to children regardless of the marital status of the parents.

Article 3 Definitions

For the purposes of this Convention –

- a*) “creditor” means an individual to whom maintenance is owed or is alleged to be owed;
- b*) “debtor” means an individual who owes or who is alleged to owe maintenance;
- c*) “legal assistance” means the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance may include as necessary legal advice, assistance in bringing a case before an authority, legal representation and exemption from costs of proceedings;
- d*) “agreement in writing” means an agreement recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference;
- e*) “maintenance arrangement” means an agreement in writing relating to the payment of maintenance which –
 - i*) has been formally drawn up or registered as an authentic instrument by a competent authority; or
 - ii*) has been authenticated by, or concluded, registered or filed with a competent authority, and may be the subject of review and modification by a competent authority;
- f*) “vulnerable person” means a person who, by reason of an impairment or insufficiency of his or her personal faculties, is not able to support him or herself.

CHAPTER II – ADMINISTRATIVE CO-OPERATION

Article 4 Designation of Central Authorities

- (1) A Contracting State shall designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.
- (2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and shall specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.
- (3) The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law at the time when the instrument of ratification or accession is deposited or when a declaration is submitted in accordance with Article 61. Contracting States shall promptly inform the Permanent Bureau of any changes.

Article 5 General functions of Central Authorities

Central Authorities shall –

- a*) co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention;
- b*) seek as far as possible solutions to difficulties which arise in the application of the Convention.

Article 6
Specific functions of Central Authorities

- (1) Central Authorities shall provide assistance in relation to applications under Chapter III. In particular they shall –
 - a)* transmit and receive such applications;
 - b)* initiate or facilitate the institution of proceedings in respect of such applications.
- (2) In relation to such applications they shall take all appropriate measures –
 - a)* where the circumstances require, to provide or facilitate the provision of legal assistance;
 - b)* to help locate the debtor or the creditor;
 - c)* to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets;
 - d)* to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;
 - e)* to facilitate the ongoing enforcement of maintenance decisions, including any arrears;
 - f)* to facilitate the collection and expeditious transfer of maintenance payments;
 - g)* to facilitate the obtaining of documentary or other evidence;
 - h)* to provide assistance in establishing parentage where necessary for the recovery of maintenance;
 - i)* to initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application;
 - j)* to facilitate service of documents.
- (3) The functions of the Central Authority under this Article may, to the extent permitted under the law of its State, be performed by public bodies, or other bodies subject to the supervision of the competent authorities of that State. The designation of any such public bodies or other bodies, as well as their contact details and the extent of their functions, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent Bureau of any changes.
- (4) Nothing in this Article or Article 7 shall be interpreted as imposing an obligation on a Central Authority to exercise powers that can be exercised only by judicial authorities under the law of the requested State.

Article 7
Requests for specific measures

- (1) A Central Authority may make a request, supported by reasons, to another Central Authority to take appropriate specific measures under Article 6(2) *b)*, *c)*, *g)*, *h)*, *i)* and *j)* when no application under Article 10 is pending. The requested Central Authority shall take such measures as are appropriate if satisfied that they are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated.
- (2) A Central Authority may also take specific measures on the request of another Central Authority in relation to a case having an international element concerning the recovery of maintenance pending in the requesting State.

Article 8
Central Authority costs

- (1) Each Central Authority shall bear its own costs in applying this Convention.
- (2) Central Authorities may not impose any charge on an applicant for the provision of their services under the Convention save for exceptional costs arising from a request for a specific measure under Article 7.
- (3) The requested Central Authority may not recover the costs of the services referred to in paragraph 2 without the prior consent of the applicant to the provision of those services at such cost.

CHAPTER III – APPLICATIONS THROUGH CENTRAL AUTHORITIES

Article 9

Application through Central Authorities

An application under this Chapter shall be made through the Central Authority of the Contracting State in which the applicant resides to the Central Authority of the requested State. For the purpose of this provision, residence excludes mere presence.

Article 10

Available applications

- (1) The following categories of application shall be available to a creditor in a requesting State seeking to recover maintenance under this Convention –
 - a)* recognition or recognition and enforcement of a decision;
 - b)* enforcement of a decision made or recognised in the requested State;
 - c)* establishment of a decision in the requested State where there is no existing decision, including where necessary the establishment of parentage;
 - d)* establishment of a decision in the requested State where recognition and enforcement of a decision is not possible, or is refused, because of the lack of a basis for recognition and enforcement under Article 20, or on the grounds specified in Article 22 *b)* or *e)*;
 - e)* modification of a decision made in the requested State;
 - f)* modification of a decision made in a State other than the requested State.
- (2) The following categories of application shall be available to a debtor in a requesting State against whom there is an existing maintenance decision –
 - a)* recognition of a decision, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous decision in the requested State;
 - b)* modification of a decision made in the requested State;
 - c)* modification of a decision made in a State other than the requested State.
- (3) Save as otherwise provided in this Convention, the applications in paragraphs 1 and 2 shall be determined under the law of the requested State, and applications in paragraphs 1 *c)* to *f)* and 2 *b)* and *c)* shall be subject to the jurisdictional rules applicable in the requested State.

Article 11

Application contents

- (1) All applications under Article 10 shall as a minimum include –
 - a)* a statement of the nature of the application or applications;
 - b)* the name and contact details, including the address and date of birth of the applicant;
 - c)* the name and, if known, address and date of birth of the respondent;
 - d)* the name and date of birth of any person for whom maintenance is sought;
 - e)* the grounds upon which the application is based;
 - f)* in an application by a creditor, information concerning where the maintenance payment should be sent or electronically transmitted;
 - g)* save in an application under Article 10(1) *a)* and (2) *a)*, any information or document specified by declaration in accordance with Article 63 by the requested State;
 - h)* the name and contact details of the person or unit from the Central Authority of the requesting State responsible for processing the application.
- (2) As appropriate, and to the extent known, the application shall in addition in particular include –
 - a)* the financial circumstances of the creditor;
 - b)* the financial circumstances of the debtor, including the name and address of the employer of the debtor and the nature and location of the assets of the debtor;
 - c)* any other information that may assist with the location of the respondent.

- (3) The application shall be accompanied by any necessary supporting information or documentation including documentation concerning the entitlement of the applicant to free legal assistance. In the case of applications under Article 10(1) *a*) and (2) *a*), the application shall be accompanied only by the documents listed in Article 25.
- (4) An application under Article 10 may be made in the form recommended and published by the Hague Conference on Private International Law.

Article 12
Transmission, receipt and processing of applications and
cases through Central Authorities

- (1) The Central Authority of the requesting State shall assist the applicant in ensuring that the application is accompanied by all the information and documents known by it to be necessary for consideration of the application.
- (2) The Central Authority of the requesting State shall, when satisfied that the application complies with the requirements of the Convention, transmit the application on behalf of and with the consent of the applicant to the Central Authority of the requested State. The application shall be accompanied by the transmittal form set out in Annex 1. The Central Authority of the requesting State shall, when requested by the Central Authority of the requested State, provide a complete copy certified by the competent authority in the State of origin of any document specified under Articles 16(3), 25(1) *a*), *b*) and *d*) and (3) *b*) and 30(3).
- (3) The requested Central Authority shall, within six weeks from the date of receipt of the application, acknowledge receipt in the form set out in Annex 2, and inform the Central Authority of the requesting State what initial steps have been or will be taken to deal with the application, and may request any further necessary documents and information. Within the same six-week period, the requested Central Authority shall provide to the requesting Central Authority the name and contact details of the person or unit responsible for responding to inquiries regarding the progress of the application.
- (4) Within three months after the acknowledgement, the requested Central Authority shall inform the requesting Central Authority of the status of the application.
- (5) Requesting and requested Central Authorities shall keep each other informed of –
 - a*) the person or unit responsible for a particular case;
 - b*) the progress of the case,
 and shall provide timely responses to enquiries.
- (6) Central Authorities shall process a case as quickly as a proper consideration of the issues will allow.
- (7) Central Authorities shall employ the most rapid and efficient means of communication at their disposal.
- (8) A requested Central Authority may refuse to process an application only if it is manifest that the requirements of the Convention are not fulfilled. In such case, that Central Authority shall promptly inform the requesting Central Authority of its reasons for refusal.
- (9) The requested Central Authority may not reject an application solely on the basis that additional documents or information are needed. However, the requested Central Authority may ask the requesting Central Authority to provide these additional documents or information. If the requesting Central Authority does not do so within three months or a longer period specified by the requested Central Authority, the requested Central Authority may decide that it will no longer process the application. In this case, it shall inform the requesting Central Authority of this decision.

Article 13
Means of communication

Any application made through Central Authorities of the Contracting States in accordance with this Chapter, and any document or information appended thereto or provided by a Central Authority, may not be challenged by the respondent by reason only of the medium or means of communication employed between the Central Authorities concerned.

Article 14
Effective access to procedures

- (1) The requested State shall provide applicants with effective access to procedures, including enforcement and appeal procedures, arising from applications under this Chapter.

- (2) To provide such effective access, the requested State shall provide free legal assistance in accordance with Articles 14 to 17 unless paragraph 3 applies.
- (3) The requested State shall not be obliged to provide such free legal assistance if and to the extent that the procedures of that State enable the applicant to make the case without the need for such assistance, and the Central Authority provides such services as are necessary free of charge.
- (4) Entitlements to free legal assistance shall not be less than those available in equivalent domestic cases.
- (5) No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in proceedings under the Convention.

Article 15

Free legal assistance for child support applications

- (1) The requested State shall provide free legal assistance in respect of all applications by a creditor under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.
- (2) Notwithstanding paragraph 1, the requested State may, in relation to applications other than those under Article 10(1) *a*) and *b*) and the cases covered by Article 20(4), refuse free legal assistance if it considers that, on the merits, the application or any appeal is manifestly unfounded.

Article 16

Declaration to permit use of child-centred means test

- (1) Notwithstanding Article 15(1), a State may declare, in accordance with Article 63, that it will provide free legal assistance in respect of applications other than under Article 10(1) *a*) and *b*) and the cases covered by Article 20(4), subject to a test based on an assessment of the means of the child.
- (2) A State shall, at the time of making such a declaration, provide information to the Permanent Bureau of the Hague Conference on Private International Law concerning the manner in which the assessment of the child's means will be carried out, including the financial criteria which would need to be met to satisfy the test.
- (3) An application referred to in paragraph 1, addressed to a State which has made the declaration referred to in that paragraph, shall include a formal attestation by the applicant stating that the child's means meet the criteria referred to in paragraph 2. The requested State may only request further evidence of the child's means if it has reasonable grounds to believe that the information provided by the applicant is inaccurate.
- (4) If the most favourable legal assistance provided for by the law of the requested State in respect of applications under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a child is more favourable than that provided for under paragraphs 1 to 3, the most favourable legal assistance shall be provided.

Article 17

Applications not qualifying under Article 15 or Article 16

In the case of all applications under this Convention other than those under Article 15 or Article 16 –

- a*) the provision of free legal assistance may be made subject to a means or a merits test;
- b*) an applicant, who in the State of origin has benefited from free legal assistance, shall be entitled, in any proceedings for recognition or enforcement, to benefit, at least to the same extent, from free legal assistance as provided for by the law of the State addressed under the same circumstances.

CHAPTER IV – RESTRICTIONS ON BRINGING PROCEEDINGS

Article 18

Limit on proceedings

- (1) Where a decision is made in a Contracting State where the creditor is habitually resident, proceedings to modify the decision or to make a new decision cannot be brought by the debtor in any other Contracting State as long as the creditor remains habitually resident in the State where the decision was made.
- (2) Paragraph 1 shall not apply –
 - a*) where, except in disputes relating to maintenance obligations in respect of children, there is agreement in writing between the parties to the jurisdiction of that other Contracting State;

- b)* where the creditor submits to the jurisdiction of that other Contracting State either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
- c)* where the competent authority in the State of origin cannot, or refuses to, exercise jurisdiction to modify the decision or make a new decision; or
- d)* where the decision made in the State of origin cannot be recognised or declared enforceable in the Contracting State where proceedings to modify the decision or make a new decision are contemplated.

CHAPTER V – RECOGNITION AND ENFORCEMENT

Article 19 Scope of the Chapter

- (1) This Chapter shall apply to a decision rendered by a judicial or administrative authority in respect of a maintenance obligation. The term “decision” also includes a settlement or agreement concluded before or approved by such an authority. A decision may include automatic adjustment by indexation and a requirement to pay arrears, retroactive maintenance or interest and a determination of costs or expenses.
- (2) If a decision does not relate solely to a maintenance obligation, the effect of this Chapter is limited to the parts of the decision which concern maintenance obligations.
- (3) For the purpose of paragraph 1, “administrative authority” means a public body whose decisions, under the law of the State where it is established –
 - a)* may be made the subject of an appeal to or review by a judicial authority; and
 - b)* have a similar force and effect to a decision of a judicial authority on the same matter.
- (4) This Chapter also applies to maintenance arrangements in accordance with Article 30.
- (5) The provisions of this Chapter shall apply to a request for recognition and enforcement made directly to a competent authority of the State addressed in accordance with Article 37.

Article 20 Bases for recognition and enforcement

- (1) A decision made in one Contracting State (“the State of origin”) shall be recognised and enforced in other Contracting States if –
 - a)* the respondent was habitually resident in the State of origin at the time proceedings were instituted;
 - b)* the respondent has submitted to the jurisdiction either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
 - c)* the creditor was habitually resident in the State of origin at the time proceedings were instituted;
 - d)* the child for whom maintenance was ordered was habitually resident in the State of origin at the time proceedings were instituted, provided that the respondent has lived with the child in that State or has resided in that State and provided support for the child there;
 - e)* except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction in writing by the parties; or
 - f)* the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.
- (2) A Contracting State may make a reservation, in accordance with Article 62, in respect of paragraph 1 *c)*, *e)* or *f)*.
- (3) A Contracting State making a reservation under paragraph 2 shall recognise and enforce a decision if its law would in similar factual circumstances confer or would have conferred jurisdiction on its authorities to make such a decision.
- (4) A Contracting State shall, if recognition of a decision is not possible as a result of a reservation under paragraph 2, and if the debtor is habitually resident in that State, take all appropriate measures to establish a decision for the benefit of the creditor. The preceding sentence shall not apply to direct requests for recognition and enforcement under Article 19(5) or to claims for support referred to in Article 2(1) *b)*.
- (5) A decision in favour of a child under the age of 18 years which cannot be recognised by virtue only of a reservation in respect of paragraph 1 *c)*, *e)* or *f)* shall be accepted as establishing the eligibility of that child for maintenance in the State addressed.

- (6) A decision shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

Article 21
Severability and partial recognition and enforcement

- (1) If the State addressed is unable to recognise or enforce the whole of the decision, it shall recognise or enforce any severable part of the decision which can be so recognised or enforced.
- (2) Partial recognition or enforcement of a decision can always be applied for.

Article 22
Grounds for refusing recognition and enforcement

Recognition and enforcement of a decision may be refused if –

- a) recognition and enforcement of the decision is manifestly incompatible with the public policy (“*ordre public*”) of the State addressed;
- b) the decision was obtained by fraud in connection with a matter of procedure;
- c) proceedings between the same parties and having the same purpose are pending before an authority of the State addressed and those proceedings were the first to be instituted;
- d) the decision is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed;
- e) in a case where the respondent has neither appeared nor was represented in proceedings in the State of origin –
 - i) when the law of the State of origin provides for notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or
 - ii) when the law of the State of origin does not provide for notice of the proceedings, the respondent did not have proper notice of the decision and an opportunity to challenge or appeal it on fact and law; or
- f) the decision was made in violation of Article 18.

Article 23
Procedure on an application for recognition and enforcement

- (1) Subject to the provisions of the Convention, the procedures for recognition and enforcement shall be governed by the law of the State addressed.
- (2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either –
- a) refer the application to the competent authority which shall without delay declare the decision enforceable or register the decision for enforcement; or
 - b) if it is the competent authority take such steps itself.
- (3) Where the request is made directly to a competent authority in the State addressed in accordance with Article 19(5), that authority shall without delay declare the decision enforceable or register the decision for enforcement.
- (4) A declaration or registration may be refused only on the ground set out in Article 22 a). At this stage neither the applicant nor the respondent is entitled to make any submissions.
- (5) The applicant and the respondent shall be promptly notified of the declaration or registration, made under paragraphs 2 and 3, or the refusal thereof in accordance with paragraph 4, and may bring a challenge or appeal on fact and on a point of law.
- (6) A challenge or an appeal is to be lodged within 30 days of notification under paragraph 5. If the contesting party is not resident in the Contracting State in which the declaration or registration was made or refused, the challenge or appeal shall be lodged within 60 days of notification.
- (7) A challenge or appeal may be founded only on the following –
- a) the grounds for refusing recognition and enforcement set out in Article 22;
 - b) the bases for recognition and enforcement under Article 20;

- c)* the authenticity or integrity of any document transmitted in accordance with Article 25(1) *a)*, *b)* or *d)* or (3) *b)*.
- (8) A challenge or an appeal by a respondent may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.
- (9) The applicant and the respondent shall be promptly notified of the decision following the challenge or the appeal.
- (10) A further appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.
- (11) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 24 Alternative procedure on an application for recognition and enforcement

- (1) Notwithstanding Article 23(2) to (11), a State may declare, in accordance with Article 63, that it will apply the procedure for recognition and enforcement set out in this Article.
- (2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either –
 - a)* refer the application to the competent authority which shall decide on the application for recognition and enforcement; or
 - b)* if it is the competent authority, take such a decision itself.
- (3) A decision on recognition and enforcement shall be given by the competent authority after the respondent has been duly and promptly notified of the proceedings and both parties have been given an adequate opportunity to be heard.
- (4) The competent authority may review the grounds for refusing recognition and enforcement set out in Article 22 *a)*, *c)* and *d)* of its own motion. It may review any grounds listed in Articles 20, 22 and 23(7) *c)* if raised by the respondent or if concerns relating to those grounds arise from the face of the documents submitted in accordance with Article 25.
- (5) A refusal of recognition and enforcement may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.
- (6) Any appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.
- (7) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 25 Documents

- (1) An application for recognition and enforcement under Article 23 or Article 24 shall be accompanied by the following –
 - a)* a complete text of the decision;
 - b)* a document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements;
 - c)* if the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law;
 - d)* where necessary, a document showing the amount of any arrears and the date such amount was calculated;
 - e)* where necessary, in the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;

- f)* where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin.
- (2) Upon a challenge or appeal under Article 23(7) *c)* or upon request by the competent authority in the State addressed, a complete copy of the document concerned, certified by the competent authority in the State of origin, shall be provided promptly –
 - a)* by the Central Authority of the requesting State, where the application has been made in accordance with Chapter III;
 - b)* by the applicant, where the request has been made directly to a competent authority of the State addressed.
- (3) A Contracting State may specify in accordance with Article 57 –
 - a)* that a complete copy of the decision certified by the competent authority in the State of origin must accompany the application;
 - b)* circumstances in which it will accept, in lieu of a complete text of the decision, an abstract or extract of the decision drawn up by the competent authority of the State of origin, which may be made in the form recommended and published by the Hague Conference on Private International Law; or
 - c)* that it does not require a document stating that the requirements of Article 19(3) are met.

Article 26 Procedure on an application for recognition

This Chapter shall apply *mutatis mutandis* to an application for recognition of a decision, save that the requirement of enforceability is replaced by the requirement that the decision has effect in the State of origin.

Article 27 Findings of fact

Any competent authority of the State addressed shall be bound by the findings of fact on which the authority of the State of origin based its jurisdiction.

Article 28 No review of the merits

There shall be no review by any competent authority of the State addressed of the merits of a decision.

Article 29 Physical presence of the child or the applicant not required

The physical presence of the child or the applicant shall not be required in any proceedings in the State addressed under this Chapter.

Article 30 Maintenance arrangements

- (1) A maintenance arrangement made in a Contracting State shall be entitled to recognition and enforcement as a decision under this Chapter provided that it is enforceable as a decision in the State of origin.
- (2) For the purpose of Article 10(1) *a)* and *b)* and (2) *a)*, the term “decision” includes a maintenance arrangement.
- (3) An application for recognition and enforcement of a maintenance arrangement shall be accompanied by the following –
 - a)* a complete text of the maintenance arrangement; and
 - b)* a document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin.
- (4) Recognition and enforcement of a maintenance arrangement may be refused if –
 - a)* the recognition and enforcement is manifestly incompatible with the public policy of the State addressed;
 - b)* the maintenance arrangement was obtained by fraud or falsification;

- c) the maintenance arrangement is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed.
- (5) The provisions of this Chapter, with the exception of Articles 20, 22, 23(7) and 25(1) and (3), shall apply *mutatis mutandis* to the recognition and enforcement of a maintenance arrangement save that –
 - a) a declaration or registration in accordance with Article 23(2) and (3) may be refused only on the ground set out in paragraph 4 a);
 - b) a challenge or appeal as referred to in Article 23(6) may be founded only on the following –
 - i) the grounds for refusing recognition and enforcement set out in paragraph 4;
 - ii) the authenticity or integrity of any document transmitted in accordance with paragraph 3;
 - c) as regards the procedure under Article 24(4), the competent authority may review of its own motion the ground for refusing recognition and enforcement set out in paragraph 4 a) of this Article. It may review all grounds listed in paragraph 4 of this Article and the authenticity or integrity of any document transmitted in accordance with paragraph 3 if raised by the respondent or if concerns relating to those grounds arise from the face of those documents.
- (6) Proceedings for recognition and enforcement of a maintenance arrangement shall be suspended if a challenge concerning the arrangement is pending before a competent authority of a Contracting State.
- (7) A State may declare, in accordance with Article 63, that applications for recognition and enforcement of a maintenance arrangement shall only be made through Central Authorities.
- (8) A Contracting State may, in accordance with Article 62, reserve the right not to recognise and enforce a maintenance arrangement.

Article 31
Decisions produced by the combined effect
of provisional and confirmation orders

Where a decision is produced by the combined effect of a provisional order made in one State and an order by an authority in another State (“the confirming State”) confirming the provisional order –

- a) each of those States shall be deemed for the purposes of this Chapter to be a State of origin;
- b) the requirements of Article 22 e) shall be met if the respondent had proper notice of the proceedings in the confirming State and an opportunity to oppose the confirmation of the provisional order;
- c) the requirement of Article 20(6) that a decision be enforceable in the State of origin shall be met if the decision is enforceable in the confirming State; and
- d) Article 18 shall not prevent proceedings for the modification of the decision being commenced in either State.

CHAPTER VI – ENFORCEMENT BY THE STATE ADDRESSED

Article 32
Enforcement under internal law

- (1) Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed.
- (2) Enforcement shall be prompt.
- (3) In the case of applications through Central Authorities, where a decision has been declared enforceable or registered for enforcement under Chapter V, enforcement shall proceed without the need for further action by the applicant.
- (4) Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation.
- (5) Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period.

Article 33
Non-discrimination

The State addressed shall provide at least the same range of enforcement methods for cases under the Convention as are available in domestic cases.

Article 34
Enforcement measures

- (1) Contracting States shall make available in internal law effective measures to enforce decisions under this Convention.
- (2) Such measures may include –
 - a)* wage withholding;
 - b)* garnishment from bank accounts and other sources;
 - c)* deductions from social security payments;
 - d)* lien on or forced sale of property;
 - e)* tax refund withholding;
 - f)* withholding or attachment of pension benefits;
 - g)* credit bureau reporting;
 - h)* denial, suspension or revocation of various licenses (for example, driving licenses);
 - i)* the use of mediation, conciliation or similar processes to bring about voluntary compliance.

Article 35
Transfer of funds

- (1) Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.
- (2) A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.

CHAPTER VII – PUBLIC BODIES

Article 36
Public bodies as applicants

- (1) For the purposes of applications for recognition and enforcement under Article 10(1) *a)* and *b)* and cases covered by Article 20(4), “creditor” includes a public body acting in place of an individual to whom maintenance is owed or one to which reimbursement is owed for benefits provided in place of maintenance.
- (2) The right of a public body to act in place of an individual to whom maintenance is owed or to seek reimbursement of benefits provided to the creditor in place of maintenance shall be governed by the law to which the body is subject.
- (3) A public body may seek recognition or claim enforcement of –
 - a)* a decision rendered against a debtor on the application of a public body which claims payment of benefits provided in place of maintenance;
 - b)* a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.
- (4) The public body seeking recognition or claiming enforcement of a decision shall upon request furnish any document necessary to establish its right under paragraph 2 and that benefits have been provided to the creditor.

CHAPTER VIII – GENERAL PROVISIONS

Article 37

Direct requests to competent authorities

- (1) The Convention shall not exclude the possibility of recourse to such procedures as may be available under the internal law of a Contracting State allowing a person (an applicant) to seize directly a competent authority of that State in a matter governed by the Convention including, subject to Article 18, for the purpose of having a maintenance decision established or modified.
- (2) Articles 14(5) and 17 *b*) and the provisions of Chapters V, VI, VII and this Chapter, with the exception of Articles 40(2), 42, 43(3), 44(3), 45 and 55, shall apply in relation to a request for recognition and enforcement made directly to a competent authority in a Contracting State.
- (3) For the purpose of paragraph 2, Article 2(1) *a*) shall apply to a decision granting maintenance to a vulnerable person over the age specified in that sub-paragraph where such decision was rendered before the person reached that age and provided for maintenance beyond that age by reason of the impairment.

Article 38

Protection of personal data

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which they were gathered or transmitted.

Article 39

Confidentiality

Any authority processing information shall ensure its confidentiality in accordance with the law of its State.

Article 40

Non-disclosure of information

- (1) An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person.
- (2) A determination to this effect made by one Central Authority shall be taken into account by another Central Authority, in particular in cases of family violence.
- (3) Nothing in this Article shall impede the gathering and transmitting of information by and between authorities in so far as necessary to carry out the obligations under the Convention.

Article 41

No legalisation

No legalisation or similar formality may be required in the context of this Convention.

Article 42

Power of attorney

The Central Authority of the requested State may require a power of attorney from the applicant only if it acts on his or her behalf in judicial proceedings or before other authorities, or in order to designate a representative so to act.

Article 43

Recovery of costs

- (1) Recovery of any costs incurred in the application of this Convention shall not take precedence over the recovery of maintenance.
- (2) A State may recover costs from an unsuccessful party.
- (3) For the purposes of an application under Article 10(1) *b*) to recover costs from an unsuccessful party in accordance with paragraph 2, the term “creditor” in Article 10(1) shall include a State.
- (4) This Article shall be without prejudice to Article 8.

Article 44
Language requirements

- (1) Any application and related documents shall be in the original language, and shall be accompanied by a translation into an official language of the requested State or another language which the requested State has indicated, by way of declaration in accordance with Article 63, it will accept, unless the competent authority of that State dispenses with translation.
- (2) A Contracting State which has more than one official language and cannot, for reasons of internal law, accept for the whole of its territory documents in one of those languages shall, by declaration in accordance with Article 63, specify the language in which such documents or translations thereof shall be drawn up for submission in the specified parts of its territory.
- (3) Unless otherwise agreed by the Central Authorities, any other communications between such Authorities shall be in an official language of the requested State or in either English or French. However, a Contracting State may, by making a reservation in accordance with Article 62, object to the use of either English or French.

Article 45
Means and costs of translation

- (1) In the case of applications under Chapter III, the Central Authorities may agree in an individual case or generally that the translation into an official language of the requested State may be made in the requested State from the original language or from any other agreed language. If there is no agreement and it is not possible for the requesting Central Authority to comply with the requirements of Article 44(1) and (2), then the application and related documents may be transmitted with translation into English or French for further translation into an official language of the requested State.
- (2) The cost of translation arising from the application of paragraph 1 shall be borne by the requesting State unless otherwise agreed by Central Authorities of the States concerned.
- (3) Notwithstanding Article 8, the requesting Central Authority may charge an applicant for the costs of translation of an application and related documents, except in so far as those costs may be covered by its system of legal assistance.

Article 46
Non-unified legal systems – interpretation

- (1) In relation to a State in which two or more systems of law or sets of rules of law with regard to any matter dealt with in this Convention apply in different territorial units –
 - a)* any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
 - b)* any reference to a decision established, recognised, recognised and enforced, enforced or modified in that State shall be construed as referring, where appropriate, to a decision established, recognised, recognised and enforced, enforced or modified in the relevant territorial unit;
 - c)* any reference to a judicial or administrative authority in that State shall be construed as referring, where appropriate, to a judicial or administrative authority in the relevant territorial unit;
 - d)* any reference to competent authorities, public bodies, and other bodies of that State, other than Central Authorities, shall be construed as referring, where appropriate, to those authorised to act in the relevant territorial unit;
 - e)* any reference to residence or habitual residence in that State shall be construed as referring, where appropriate, to residence or habitual residence in the relevant territorial unit;
 - f)* any reference to location of assets in that State shall be construed as referring, where appropriate, to the location of assets in the relevant territorial unit;
 - g)* any reference to a reciprocity arrangement in force in a State shall be construed as referring, where appropriate, to a reciprocity arrangement in force in the relevant territorial unit;
 - h)* any reference to free legal assistance in that State shall be construed as referring, where appropriate, to free legal assistance in the relevant territorial unit;
 - i)* any reference to a maintenance arrangement made in a State shall be construed as referring, where appropriate, to a maintenance arrangement made in the relevant territorial unit;

- j) any reference to recovery of costs by a State shall be construed as referring, where appropriate, to the recovery of costs by the relevant territorial unit.
- (2) This Article shall not apply to a Regional Economic Integration Organisation.

Article 47

Non-unified legal systems – substantive rules

- (1) A Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.
- (2) A competent authority in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a decision from another Contracting State solely because the decision has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.
- (3) This Article shall not apply to a Regional Economic Integration Organisation.

Article 48

Co-ordination with prior Hague Maintenance Conventions

In relations between the Contracting States, this Convention replaces, subject to Article 56(2), the *Hague Convention of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations* and the Hague Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children in so far as their scope of application as between such States coincides with the scope of application of this Convention.

Article 49

Co-ordination with the 1956 New York Convention

In relations between the Contracting States, this Convention replaces the United Nations *Convention on the Recovery Abroad of Maintenance* of 20 June 1956, in so far as its scope of application as between such States coincides with the scope of application of this Convention.

Article 50

Relationship with prior Hague Conventions on service of documents and taking of evidence

This Convention does not affect the Hague Convention of 1 March 1954 on civil procedure, the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* and the *Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*.

Article 51

Co-ordination of instruments and supplementary agreements

- (1) This Convention does not affect any international instrument concluded before this Convention to which Contracting States are Parties and which contains provisions on matters governed by this Convention.
- (2) Any Contracting State may conclude with one or more Contracting States agreements, which contain provisions on matters governed by the Convention, with a view to improving the application of the Convention between or among themselves, provided that such agreements are consistent with the objects and purpose of the Convention and do not affect, in the relationship of such States with other Contracting States, the application of the provisions of the Convention. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.
- (3) Paragraphs 1 and 2 shall also apply to reciprocity arrangements and to uniform laws based on special ties between the States concerned.
- (4) This Convention shall not affect the application of instruments of a Regional Economic Integration Organisation that is a Party to this Convention, adopted after the conclusion of the Convention, on matters governed by the Convention provided that such instruments do not affect, in the relationship of Member States of the Regional Economic Integration Organisation with other Contracting States, the application of the provisions of the Convention. As concerns the recognition or enforcement of decisions as between Member States of the Regional Economic Integration Organisation, the Convention shall not affect the rules of the Regional Economic Integration Organisation, whether adopted before or after the conclusion of the Convention.

Article 52
Most effective rule

- (1) This Convention shall not prevent the application of an agreement, arrangement or international instrument in force between the requesting State and the requested State, or a reciprocity arrangement in force in the requested State that provides for –
 - a)* broader bases for recognition of maintenance decisions, without prejudice to Article 22 *f)* of the Convention;
 - b)* simplified, more expeditious procedures on an application for recognition or recognition and enforcement of maintenance decisions;
 - c)* more beneficial legal assistance than that provided for under Articles 14 to 17; or
 - d)* procedures permitting an applicant from a requesting State to make a request directly to the Central Authority of the requested State.
- (2) This Convention shall not prevent the application of a law in force in the requested State that provides for more effective rules as referred to in paragraph 1 *a)* to *c)*. However, as regards simplified, more expeditious procedures referred to in paragraph 1 *b)*, they must be compatible with the protection offered to the parties under Articles 23 and 24, in particular as regards the rights of the parties to be duly notified of the proceedings and be given adequate opportunity to be heard and as regards the effects of any challenge or appeal.

Article 53
Uniform interpretation

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

Article 54
Review of practical operation of the Convention

- (1) The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention and to encourage the development of good practices under the Convention.
- (2) For the purpose of such review, Contracting States shall co-operate with the Permanent Bureau of the Hague Conference on Private International Law in the gathering of information, including statistics and case law, concerning the practical operation of the Convention.

Article 55
Amendment of forms

- (1) The forms annexed to this Convention may be amended by a decision of a Special Commission convened by the Secretary General of the Hague Conference on Private International Law to which all Contracting States and all Members shall be invited. Notice of the proposal to amend the forms shall be included in the agenda for the meeting.
- (2) Amendments adopted by the Contracting States present at the Special Commission shall come into force for all Contracting States on the first day of the seventh calendar month after the date of their communication by the depositary to all Contracting States.
- (3) During the period provided for in paragraph 2 any Contracting State may by notification in writing to the depositary make a reservation, in accordance with Article 62, with respect to the amendment. The State making such reservation shall, until the reservation is withdrawn, be treated as a State not Party to the present Convention with respect to that amendment.

Article 56
Transitional provisions

- (1) The Convention shall apply in every case where –
 - a)* a request pursuant to Article 7 or an application pursuant to Chapter III has been received by the Central Authority of the requested State after the Convention has entered into force between the requesting State and the requested State;

- b)* a direct request for recognition and enforcement has been received by the competent authority of the State addressed after the Convention has entered into force between the State of origin and the State addressed.
- (2) With regard to the recognition and enforcement of decisions between Contracting States to this Convention that are also Parties to either of the Hague Maintenance Conventions mentioned in Article 48, if the conditions for the recognition and enforcement under this Convention prevent the recognition and enforcement of a decision given in the State of origin before the entry into force of this Convention for that State, that would otherwise have been recognised and enforced under the terms of the Convention that was in effect at the time the decision was rendered, the conditions of that Convention shall apply.
- (3) The State addressed shall not be bound under this Convention to enforce a decision or a maintenance arrangement, in respect of payments falling due prior to the entry into force of the Convention between the State of origin and the State addressed, except for maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

Article 57

Provision of information concerning laws, procedures and services

- (1) A Contracting State, by the time its instrument of ratification or accession is deposited or a declaration is submitted in accordance with Article 61 of the Convention, shall provide the Permanent Bureau of the Hague Conference on Private International Law with –
 - a)* a description of its laws and procedures concerning maintenance obligations;
 - b)* a description of the measures it will take to meet the obligations under Article 6;
 - c)* a description of how it will provide applicants with effective access to procedures, as required under Article 14;
 - d)* a description of its enforcement rules and procedures, including any limitations on enforcement, in particular debtor protection rules and limitation periods;
 - e)* any specification referred to in Article 25(1) *b)* and (3).
- (2) Contracting States may, in fulfilling their obligations under paragraph 1, utilise a country profile form recommended and published by the Hague Conference on Private International Law.
- (3) Information shall be kept up to date by the Contracting States.

CHAPTER IX – FINAL PROVISIONS

Article 58

Signature, ratification and accession

- (1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Twenty-First Session and by the other States which participated in that Session.
- (2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.
- (3) Any other State or Regional Economic Integration Organisation may accede to the Convention after it has entered into force in accordance with Article 60(1).
- (4) The instrument of accession shall be deposited with the depositary.
- (5) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the 12 months after the date of the notification referred to in Article 65. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 59

Regional Economic Integration Organisations

- (1) A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights

and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by the Convention.

- (2) The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.
- (3) At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare in accordance with Article 63 that it exercises competence over all the matters governed by this Convention and that the Member States which have transferred competence to the Regional Economic Integration Organisation in respect of the matter in question shall be bound by this Convention by virtue of the signature, acceptance, approval or accession of the Organisation.
- (4) For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation makes a declaration in accordance with paragraph 3.
- (5) Any reference to a “Contracting State” or “State” in this Convention shall apply equally to a Regional Economic Integration Organisation that is a Party to it, where appropriate. In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 3, any reference to a “Contracting State” or “State” in this Convention shall apply equally to the relevant Member States of the Organisation, where appropriate.

Article 60 Entry into force

- (1) The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the second instrument of ratification, acceptance or approval referred to in Article 58.
- (2) Thereafter the Convention shall enter into force –
 - a) for each State or Regional Economic Integration Organisation referred to in Article 59(1) subsequently ratifying, accepting or approving it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance or approval;
 - b) for each State or Regional Economic Integration Organisation referred to in Article 58(3) on the day after the end of the period during which objections may be raised in accordance with Article 58(5);
 - c) for a territorial unit to which the Convention has been extended in accordance with Article 61, on the first day of the month following the expiration of three months after the notification referred to in that Article.

Article 61 Declarations with respect to non-unified legal systems

- (1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare in accordance with Article 63 that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
- (3) If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.
- (4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 62 Reservations

- (1) Any Contracting State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 61, make one or more of the reservations provided for in Articles 2(2), 20(2), 30(8), 44(3) and 55(3). No other reservation shall be permitted.
- (2) Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the depositary.

- (3) The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in paragraph 2.
- (4) Reservations under this Article shall have no reciprocal effect with the exception of the reservation provided for in Article 2(2).

Article 63 Declarations

- (1) Declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1), may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.
- (2) Declarations, modifications and withdrawals shall be notified to the depositary.
- (3) A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.
- (4) A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months after the date on which the notification is received by the depositary.

Article 64 Denunciation

- (1) A Contracting State to the Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a multi-unit State to which the Convention applies.
- (2) The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 65 Notification

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 58 and 59 of the following –

- a) the signatures, ratifications, acceptances and approvals referred to in Articles 58 and 59;
- b) the accessions and objections raised to accessions referred to in Articles 58(3) and (5) and 59;
- c) the date on which the Convention enters into force in accordance with Article 60;
- d) the declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1);
- e) the agreements referred to in Article 51(2);
- f) the reservations referred to in Articles 2(2), 20(2), 30(8), 44(3) and 55(3), and the withdrawals referred to in Article 62(2);
- g) the denunciations referred to in Article 64.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the 23rd day of November 2007, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the date of its Twenty-First Session and to each of the other States which have participated in that Session.

Certified true copy of the original

The Director of Treaties of the Ministry of Foreign Affairs of the Kingdom of the Netherlands

ANNEX 1

Transmittal form under Article 12(2)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

- ☐ *A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.*

3. Requested Central Authority: _____
 Address _____

4. Particulars of the applicant

a. Family name(s): _____
 b. Given name(s): _____
 c. Date of birth: _____ (dd/mm/yyyy)
 or
 a. Name of the public body: _____

5. Particulars of the person(s) for whom maintenance is sought or payable

a. ☐ The person is the same as the applicant named in point 4

b. i. Family name(s): _____
 Given name(s): _____
 Date of birth: _____ (dd/mm/yyyy)

ii. Family name(s): _____
 Given name(s): _____
 Date of birth: _____ (dd/mm/yyyy)

iii. Family name(s): _____
 Given name(s): _____
 Date of birth: _____ (dd/mm/yyyy)

6. Particulars of the debtor

a. ☐ The person is the same as the applicant named in point 4

b. Family name(s): _____
 c. Given name(s): _____
 d. Date of birth: _____ (dd/mm/yyyy)

7. This transmittal form concerns and is accompanied by an application under:

- ☐ Article 10(1) *a*)
- ☐ Article 10(1) *b*)
- ☐ Article 10(1) *c*)
- ☐ Article 10(1) *d*)
- ☐ Article 10(1) *e*)
- ☐ Article 10(1) *f*)
- ☐ Article 10(2) *a*)
- ☐ Article 10(2) *b*)
- ☐ Article 10(2) *c*)

8. The following documents are appended to the application:

a. For the purpose of an application under Article 10(1) *a*), and:

In accordance with Article 25:

- ☐ Complete text of the decision (Art. 25(1) *a*))
- ☐ Abstract or extract of the decision drawn up by the competent authority of the State of origin (Art. 25(3) *b*)) (if applicable)
- ☐ Document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements (Art. 25(1) *b*)) or if Article 25(3) *c*) is applicable
- ☐ If the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law (Art. 25(1) *c*))
- ☐ Where necessary, a document showing the amount of any arrears and the date such amount was calculated (Art. 25(1) *d*))
- ☐ Where necessary, a document providing the information necessary to make appropriate calculations in case of a decision providing for automatic adjustment by indexation (Art. 25(1) *e*))
- ☐ Where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin (Art. 25(1) *f*))

In accordance with Article 30(3):

- ☐ Complete text of the maintenance arrangement (Art. 30(3) *a*))
 - ☐ A document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin (Art. 30(3) *b*))
 - ☐ Any other documents accompanying the application (*e.g.*, if required, a document for the purpose of Art. 36(4)):
-
-

b. For the purpose of an application under Article 10(1) *b*), *c*), *d*), *e*), *f*) and (2) *a*), *b*) or *c*), the following number of supporting documents (excluding the transmittal form and the application itself) in accordance with Article 11(3):

- ☐ Article 10(1) *b*)
- ☐ Article 10(1) *c*)
- ☐ Article 10(1) *d*)

- ☐ Article 10(1) *e*)
- ☐ Article 10(1) *f*)
- ☐ Article 10(2) *a*)
- ☐ Article 10(2) *b*)
- ☐ Article 10(2) *c*)

Name: _____ (in block letters) Date: _____
 Authorised representative of the Central Authority _____ (dd/mm/yyyy)

ANNEX 2

Acknowledgement form under Article 12(3)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

- ☐ *A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.*

3. Requested Central Authority: _____
 Contact person _____
 Address _____

4. The requested Central Authority acknowledges receipt on _____ (dd/mm/yyyy) of the transmittal form from the requesting Central Authority (reference number _____; dated _____ (dd/mm/yyyy)) concerning the following application under:

- ☐ Article 10(1) *a*)
- ☐ Article 10(1) *b*)
- ☐ Article 10(1) *c*)
- ☐ Article 10(1) *d*)
- ☐ Article 10(1) *e*)
- ☐ Article 10(1) *f*)
- ☐ Article 10(2) *a*)
- ☐ Article 10(2) *b*)
- ☐ Article 10(2) *c*)

Family name(s) of applicant: _____
 Family name(s) of the person(s) for whom
 maintenance is sought or payable: _____

 Family name(s) of debtor: _____

5. Initial steps taken by the requested Central Authority:

- ☐ The file is complete and is under consideration
 - ☐ See attached status of application report
 - ☐ Status of application report will follow
- ☐ Please provide the following additional information and / or documentation:

- ☐ The requested Central Authority refuses to process this application as it is manifest that the requirements of the Convention are not fulfilled (Art. 12(8)). The reasons:
 - ☐ are set out in an attached document
 - ☐ will be set out in a document to follow

The requested Central Authority requests that the requesting Central Authority inform it of any change in the status of the application.

Name: _____ (in block letters) Date: _____
 Authorised representative of the Central Authority (dd/mm/yyyy)
