

SUBSIDIARY LEGISLATION 460.25**INTERNATIONAL MAINTENANCE OBLIGATIONS
ORDER**

11th November, 2011

LEGAL NOTICE 452 of 2011.

- 1.** The title of this Order is the International Maintenance Obligations Order. Citation.
- 2.** This Order implements the relevant provisions of Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. Scope.
- 3.** In this order, unless the context otherwise requires - Interpretation.
 "the EC Regulation" means Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;
 "the Minister" means the Minister responsible for justice.
- 4.** The functions under the EC Regulation shall be discharged by the Director responsible for welfare as the central authority and shall receive and transmit an application for a declaration of enforceability under Article 27 of the EC Regulation. Central authority.
- 5.** (1) The Civil Court (Family Section) shall have jurisdiction of enforcement to determine - Refusal or suspension decisions.
 (a) the question of refusal or suspension of enforcement under Article 21 of the EC Regulation; and
 (b) an application for a declaration of enforceability under Article 27 of the EC Regulation.
- (2) Where the Civil Court (Family Section) has determined by way of recognising a decision or declaring a decision as enforceable, such decision –
 (a) shall be of the same force and effect as if it had originally been made by the Civil Court (Family Section); and
 (b) may be enforced in the same way as if the decision had been originally made by the Civil Court (Family Section).
- (3) For the purpose of this article, "decision" has the same meaning as that given to the term in paragraph 1 in Article 2.1 of the EC Regulation.
- 6.** (1) A defendant who fulfils the criteria laid down by Article 19.1 of the EC Regulation may apply by means of an application to the Civil Court (Family Section) for a review within the time limit set out by Article 19.2 of the EC Regulation. Review procedure.

(2) The Civil Court (Family Section) shall dispose of an application for a review in accordance with Article 19 of the EC Regulation.

Appeal from for a decision on an application for a declaration.

7. (1) Pursuant to Article 32 of the EC Regulation, an appeal shall lie to the Court of Appeal against the decision made by the Civil Court (Family Section) under article 5.

(2) An appeal against the declaration of enforceability shall be lodged within thirty days of service of such declaration

Provided that if the party against whom enforcement is sought has his habitual residence in a Member State other than that in which the declaration of enforceability was given, the time for appealing shall be forty-five days and shall run from the date of service of the decision.

Language of translation.

8. (1) Where any document or a decision referred to in Articles 20, 28 and 40 of the EC Regulation has been made in any language other than Maltese, a translation into English of that document or decision shall be submitted in accordance with the said Articles.

(2) For the purposes of Article 59 of the EC Regulation, the accepted language for the Central Authority shall be Maltese or English.
