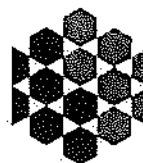


FROM THE OFFICE OF THE JUSTICE MINISTER



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Our Ref: CORR-1077-2020

Paul Givan MLA
Chairperson
Committee for Justice
Parliament Buildings
Stormont
BELFAST
BT4 3XX

13th February 2020

Dear Paul,

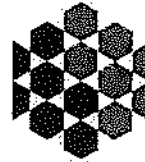
The Lord Chancellor has recently been in touch with me on the UK Government's plans to introduce a Private International Law (Implementation of Agreements) Bill.

Private international law provides uniform rules on:

- which state has jurisdiction in cross-border legal proceedings;
- which state's law applies; and
- whether a judgment of a foreign court should be recognised and enforced.

The rules generally apply in civil disputes, including commercial, insolvency and family cases and can also include provisions on co-operation between courts and other public authorities in different countries involved in dealing with cross-border cases. This is a technical area of law, mostly relating to court processes.

The Bill has two main purposes. Firstly, it would clarify in legislation the domestic implementation of three Hague Private International Law Conventions. These are:



- The 1996 Hague Convention on Child Protection which improves the protection of children in cross-border disputes. It helps people to resolve issues around custody of and contact with children where parents live in different countries.
- The 2005 Hague Convention on Choice of Court which provides legal certainty in disputes relating to cross-border contracts where parties have a choice of court agreement, ensuring there is no confusion over where a case should be heard, and that any resulting decision can be recognised and enforced in other countries.
- The 2007 Hague Convention on Maintenance which provides rules for the international recovery of child support and other forms of family maintenance. This makes it harder for parents who live abroad to avoid their maintenance obligations.

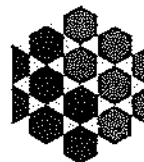
These Conventions currently apply in the UK but the UK's participation in them is linked to its EU membership. The Bill re-implements these Conventions in domestic law as the UK will be an independent party in its own right at the end of the transition period (31 December 2020).

Secondly, it provides the power for the implementation of further international agreements on Private International Law via secondary legislation. Otherwise, primary legislation would be required each time the UK entered into a new international agreement on Private International Law. The existing body of implementing legislation mostly operates on a UK-wide basis.

The UK Government's aim is for the Bill's provisions to extend and apply to the whole of the UK, subject to agreement from the Devolved Administrations.

Subject to the views of Executive colleagues, I am prepared to support in principle a Legislative Consent Motion on the extension of the Bill to Northern Ireland. Without the clarification regarding the three Hague Conventions, separate primary legislation would

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need to be in place in Northern Ireland by the end of the transition period. The rule-making powers offers more flexibility for implementing future treaties, without which primary legislative vehicles would be required. The Bill is not yet available for distribution and I understand the timescale may be tight. Under the Legislative Consent Motion procedures both the Justice Committee and Assembly will, of course, have the opportunity to scrutinise it.

NAOMI LONG MLA
Minister of Justice