



STATUTORY INSTRUMENTS.

S.I. No. 682 of 2010



PROTECTION OF CHILDREN (HAGUE CONVENTION) ACT 2000
(SECTION 15) ORDER 2010

(Prn. A10/1998)

PROTECTION OF CHILDREN (HAGUE CONVENTION) ACT 2000
(SECTION 15) ORDER 2010

I, MICHEÁL MARTIN, Minister for Foreign Affairs, in exercise of the powers conferred on me by section 15 of the Protection of Children (Hague Convention) Act 2000 (No. 37 of 2000), hereby order as follows:

1. This Order may be cited as the Protection of Children (Hague Convention) Act 2000 (Section 15) Order 2010.

2. It is declared—

(a) that in accordance with Article 61.1 of the Convention, the Convention entered into force for the states specified in column 1 of Part 1 of Schedule 1 on the date specified in column 2 of the said Part 1,

(b) that in accordance with Article 61.2 of the Convention, the Convention entered or will enter into force for a state specified in column 1 of Part 2 of Schedule 1 on the date specified in column 2 of the said Part 2 opposite the mention of the state specified in column 1.

3. It is declared—

(a) that pursuant to paragraph 2 of Article 34 of the Convention, requests under paragraph 1 of that Article to any authority in the State which has information relevant to the protection of a child shall be communicated to that authority only through the Central Authority,

(b) that pursuant to the said paragraph 2, declarations have been made by the contracting states specified in Schedule 2 that requests under the said paragraph 1 to an authority in that contracting state shall be communicated only through its central authority.

4. It is declared that a contracting state specified in column 1 of Schedule 3 has made a reservation pursuant to Article 54.2 or 55 of the Convention, the text or a translation of which reservation is set out in column 2 of Schedule 3 opposite the mention of the contracting state specified in column 1.

5. The Central Authority is designated pursuant to Article 44 of the Convention as the authority within the State to which requests under Articles 8, 9 or 33 should be addressed.

6. This Order shall come into operation on 1 January 2011.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 18th January, 2011.*

SCHEDULE 1

Part 1

(1) State	(2) Date
Czech Republic, Monaco, Slovakia	1 January 2002

Part 2

(1) State	(2) Date
Albania	1 April 2007
Armenia	1 May 2008
Australia	1 August 2003
Bulgaria	1 February 2007
Croatia	1 January 2010
Cyprus	1 November 2010
Dominican Republic	1 October 2010
Ecuador	1 September 2003
Estonia	1 June 2003
Finland	1 March 2011
France	1 February 2011
Germany	1 January 2011
Hungary	1 May 2006
Latvia	1 April 2003
Lithuania	1 September 2004
Luxembourg	1 December 2010
Morocco	1 December 2002
Poland	1 November 2010
Romania	1 January 2011
Slovenia	1 February 2005
Spain	1 January 2011
Switzerland	1 July 2009
Ukraine	1 February 2008
Uruguay	1 March 2010

SCHEDULE 2

Albania
Armenia
Bulgaria
Croatia
Cyprus
Czech Republic
Estonia
France
Hungary
Latvia
Lithuania
Poland
Romania
Slovakia
Slovenia
Spain
Ukraine

SCHEDULE 3

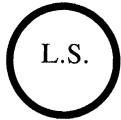
(1) Contracting State	(2) Reservation
Albania	“In accordance with paragraph 1 of Article 60 of the Convention, the Republic of Albania reserves the right of jurisdiction of its authorities to take measures directed to the protection of the property of a child situated on its territory; and reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property, as it is provided in paragraph 1 of Article 55 of the Convention.”
Armenia	<p>“Pursuant to Article 60 of the Convention, the Republic of Armenia makes the following reservations:</p> <ul style="list-style-type: none"> • in accordance with Article 54, paragraph 2, of the Convention, to object to the use of French; • in accordance with Article 55, paragraph 1, sub-paragraph <i>a</i>, to reserve the jurisdiction of its authorities to take measures directed to the protection of real estate and other property of a child which is situated on its territory and is subject to state registration; • in accordance with Article 55, paragraph 1, sub-paragraph <i>b</i>, not to recognise any parental responsibility or measure in so far as it is incompatible with any measures taken by its authorities in relation to that property.”
Bulgaria	“In accordance with Article 60, paragraph 1, and pursuant to Article 55, paragraph 1, of the Convention, the Republic of Bulgaria reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory, as well as the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.”
Croatia	“In accordance with Article 60 of the Convention, the Republic of Croatia reserves the jurisdiction of its authorities to take measures for the protection of (immovable) property and related property’s rights of a child, whereas such property is situated on its territory, and reserves the right not to recognise any decision on parental responsibility if it is incompatible with the measure of its authority in charge in relation to the property of a child.”
Cyprus	<p>“Pursuant to Article 60, paragraph 1, of the Convention, the Republic of Cyprus makes a reservation provided for in Article 54, that any communication sent to the Central Authority of the Republic of Cyprus shall be in the original language and shall be accompanied by a translation into English.</p> <p>“Pursuant to Article 60, paragraph 1, of the Convention (...), the Republic of Cyprus reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory and reserves the right not to recognize any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property, as it is provided in paragraph 1 of Article 55 of the Convention.”</p>
Estonia	“Pursuant to Article 60, paragraph 1, of the Convention, the Republic of Estonia makes a reservation provided for in Article 54 that any communication sent to the Central Authority of the Republic of Estonia shall be in the original language, and shall be accompanied by a translation into English.”
Germany	“The Federal Republic of Germany makes a reservation, in accordance with Article 54, paragraph 2, and Article 60 of the Convention, objecting to the use of the French language.”

Hungary	<p>“Pursuant to Paragraph 2 of Article 54 of the Convention, the Republic of Hungary reserves the right to accept the requests communicated to its Central Authority only in Hungarian language, where that is not feasible, the request shall be accompanied by English translation.</p> <p>The Republic of Hungary reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory, and reserves the right not to recognise any parental responsibility or measure in so far it is incompatible with any measure taken by its authorities in relation to that property.”</p>
Latvia	<p>“Pursuant to Article 60, paragraph 1, of the Convention (...), the Republic of Latvia objects to the use of French as provided for in Article 54, paragraph 2, of the Convention.</p> <p>Pursuant to Article 60, paragraph 1, of the Convention (...), the Republic of Latvia reserves the jurisdiction of its authorities to take measures directed to the protection of property of a child situated on its territory as provided for in Article 55 of the Convention.”</p>
Lithuania	<p>“(…) that any communication sent to the Republic of Lithuania shall be translated into the Lithuanian language, or, if it is not possible, into the English language;</p> <p>(…) that the Republic of Lithuania reserves the jurisdiction of its authorities to take measures directed to the protection of immovable property of a child situated in the territory of the Republic of Lithuania.”</p>
Poland	<p>“The Republic of Poland</p> <ol style="list-style-type: none"> 1) reserves the jurisdiction of its authorities in order to take measures directed to the protection of immovable property of a child situated in the territory of the Republic of Poland (Article 55 par. 1 sub-par. a), 2) reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by the Polish authorities in relation to immovable property of a child situated in the territory of the Republic of Poland (Article 55 par. 1 sub-par. b).”
Romania	<p>“In accordance with Article 60 together with Article 55, paragraph 1 of the Convention, Romania reserves:</p> <ol style="list-style-type: none"> a) the competence of its authorities to take measures for the protection of the child’s goods situated on its territory; b) the right not to recognize the parental responsibility or measures which are incompatible with the measures taken by its authorities concerning these goods.”
Slovakia	<p>“Under Article 60 of the Convention, the Slovak Republic reserves the jurisdiction of its authorities to take measures directed to the protection of immovable property of a child situated on the territory of the Slovak Republic as well as the right not to recognize any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to such property.”</p>
Spain	<p>“Pursuant to the provisions of article 60 and article 55, paragraph 1 (a) and (b) of the Convention, Spain reserves the jurisdiction of its authorities to take measures directed to the protection of the property of a child which is situated on its territory, and the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.”</p>
Switzerland	<p>“Switzerland reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to the property of a child situated on its territory.”</p>

Ukraine

“In accordance with Articles 55 and 60 of the Convention Ukraine declares that it:

- a) keeps the jurisdiction of its competent authorities to take measures directed towards the protection of a child’s immovable property located in its territory;
- b) reserves the right not to recognise any parental responsibility as well as measures if they are incompatible with the measure used by its competent authorities in respect of a child’s immovable property located in its territory.”



GIVEN under my Official Seal,
21 December 2010.

MICHEÁL MARTIN,
Minister for Foreign Affairs.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Protection of Children (Hague Convention) Act 2000 gives force of law to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (concluded on 19 October 1996). Section 15(1) of the Act of 2000 enables the Minister for Foreign Affairs, by order to, inter alia, declare:

- (a) that the Convention entered into force for the first three states to ratify the Convention on a specified date;
- (b) that the Convention entered into force or will enter into force for the states specified in the Order on the dates specified in the Order;
- (c) that pursuant to paragraph 2 of Article 34 of the Convention, that requests under paragraph 1 of Article 34 to any authority in the State which has information relevant to the protection of a child shall be communicated to that authority only through the Central Authority;
- (d) that pursuant to paragraph 2 of Article 34 of the Convention, a declaration has been made by a contracting state specified in the Order that requests under paragraph 1 of Article 34 of the Convention to an authority in that contracting state shall be communicated only through its central authority;
- (e) that a reservation set out in the Order has been made by a specified contracting state pursuant to the Convention.

Furthermore, section 15 (1) of the Act of 2000 enables the Minister for Foreign Affairs, by order to, inter alia, designate the Central Authority pursuant to Article 44 of the Convention as the authority within the State to which requests under Article 8, 9 or 33 should be addressed.

Section 15 (2) of the Act of 2000 provides that an order that is in force under Section 15 (1) shall be evidence of the matters stated therein.

By this Order, the Minister for Foreign Affairs makes the abovementioned declarations and designation with effect from 1 January 2011.

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