STATUTORY INSTRUMENTS

S.I. No. 220 of 2008

CHILD ABDUCTION AND ENFORCEMENT OF CUSTODY ORDERS ACT, 1991 (SECTION 4) (HAGUE CONVENTION) ORDER, 2008

(Prn. A8/0910)
CHILD ABDUCTION AND ENFORCEMENT OF CUSTODY ORDERS ACT, 1991 (SECTION 4) (HAGUE CONVENTION) ORDER, 2008

I, MICHEÁL MARTIN, Minister for Foreign Affairs, in exercise of the powers conferred upon me by section 4 of the Child Abduction and Enforcement of Custody Orders Act, 1991 (No. 6 of 1991), hereby order as follows:

1. This Order may be cited as the Child Abduction and Enforcement of Custody Orders Act, 1991 (Section 4) (Hague Convention) Order, 2008.

2. It is hereby declared—

(a) that the states specified in the First Schedule to this Order are Contracting States for the purposes of Part II of the Child Abduction and Enforcement of Custody Orders Act, 1991;

(b) that declarations (the texts of which in the English language are set out in Part I of the Second Schedule hereto) have been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands pursuant to Articles 39 and 40 of the Convention; and

(c) that reservations (the texts of which in the English language are set out in Part II of the Second Schedule hereto) have been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands pursuant to Articles 24 and 26 of the Convention.


4. This Order shall come into operation on the 25 day of June 2008

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st July, 2008.
## FIRST SCHEDULE

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SECOND SCHEDULE

PART I

Canada

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Provinces of Ontario, New Brunswick, British Columbia and Manitoba.” — 2 June 1983

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Nova Scotia.” — 24 February 1984

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Newfoundland.” — 5 July 1984

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Quebec.” — 9 October 1984

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Yukon Territory.” — 15 November 1984

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Prince Edward Island.” — 11 February 1986

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Saskatchewan.” — 7 August 1986

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Province of Alberta.” — 4 November 1986

“... in accordance with the provisions of Article 40, the Government of Canada declares that the Convention shall extend to the Northwest Territories.” — 25 January 1988

“In accordance with the provisions of Article 40 of the Convention, the Government of Canada declares that, in addition to the provinces of Ontario, New Brunswick, British Columbia, Manitoba, Nova Scotia, Newfoundland, Quebec, Prince Edward Island, Saskatchewan, Alberta, the Yukon Territory and the Northwest Territories, the Convention shall extend to Nunavut. The Government of Canada further declares that the Convention now extends to all the territorial units of Canada.” — 26 October 2000
Denmark

“...pursuant to the provisions of Article 39, paragraph 1, the Convention shall not be applicable to the territories of the Faroe Islands and Greenland...” — 17 April 1991

France

“...4) In accordance with the provisions of Article 39, the Government declares that the Convention shall extend to the whole of the territory of the French Republic.” — 16 September 1982

United Kingdom of Great Britain and Northern Ireland

“In accordance with Article 39 of the Convention, the United Kingdom will notify the depositary in due course of the territories for the international relations of which it is responsible, to which the Convention is to be extended.” — 20 May 1986

“The Isle of Man” — 28 June 1991

“Falkland Islands” — 26 March 1998

“Cayman Islands” — 8 May 1998

“Montserrat” — 8 December 1998

“Bermuda” — 21 December 1998

“Jersey” — 19 December 2005

“Anguilla” — 13 June 2007
PART II

Albania

“In accordance with Article 42 of the Convention, the Republic of Albania reserves the right that it shall not be bound to assume any costs referred to in the second paragraph of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 4 May 2007

Armenia

“1. With regard to Article 24, applications, communications or other documents sent to the Central Authority of the Republic of Armenia shall be in original languages and shall be accompanied by a translation into Armenian or, where that is not feasible, a translation into English.

2. With regard to Article 26, the Republic of Armenia shall not be bound to assume any costs referred to in Article 26, second paragraph, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 1 March 2007

Belarus

“The Republic of Belarus declares that it shall not be bound to assume any costs referred to in paragraph 2 of Article 26 of this Convention resulting from the participation of legal counsel or advisers or from our court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 12 January 1998

Belize

“1. any application or other documents transmitted to the Central Authority under the Convention must be accompanied by a translation in English and not in French and

2. Belize will not be bound to assume any costs relating to applications under the Convention resulting from the participation of legal counsel or advisers, or from court proceedings, except insofar as these costs may be covered by its system of legal aid and advice.” — 22 June 1989

Brazil

“...with a reservation as provided for in Article 24 of the said Convention (permitted under Article 42), to the effect that foreign documents appended to legal instruments must be accompanied by a translation into Portuguese done by a sworn translator.” — 19 October 1999
Bulgaria

“In accordance with Article 42, paragraph 1, of the Convention, the Republic of Bulgaria declares it shall not be bound to assume any costs and expenses resulting from proceedings or, where applicable, those arising from the participation of legal counsel and those of returning the child.” — 20 May 2003

Canada

“In accordance with the provisions of Article 42 and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Provinces of Ontario, New Brunswick and British Columbia, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province concerned.” — 2 June 1983

“In accordance with the provisions of Article 42 and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Nova Scotia, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Nova Scotia.” — 24 February 1984

“In accordance with the provisions of Article 42 and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Newfoundland, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Newfoundland.” — 5 July 1984

“In accordance with the provisions of Article 42 and pursuant to Article 24, paragraph 2, translation in the French language will be required for any application, communication or other document concerning the Province of Quebec when the original language is neither French nor English. In accordance with the provisions of Article 42 and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Quebec, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Quebec.” — 9 October 1984

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Yukon Territory, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Yukon Territory.” — 15 November 1984

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Prince Edward Island, Canada will assume the costs referred to in paragraph 2 of
Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Prince Edward Island.” — 11 February 1986

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Saskatchewan, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Saskatchewan.” — 7 August 1986

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Province of Alberta, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Province of Alberta.” — 4 November 1986

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning the Northwest Territories, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of the Northwest Territories.” — 25 January 1988

“In accordance with the provisions of Article 42, and pursuant to Article 26, paragraph 3, the Government of Canada declares that, with respect to applications submitted under the Convention concerning Nunavut, Canada will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the system of legal aid of Nunavut.” — 26 October 2000

China, Hong Kong Special Administrative Region only

“The Government of the People's Republic of China also makes the following declaration...In accordance with the provisions of Article 42 of the Convention, the Hong Kong Special Administrative Region will not be bound to bear any costs referred to in paragraph 2 of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 13 June 1997

Czech Republic

“Having examined this Convention and knowing that the Parliament of the Czech Republic has given its consent thereto, we hereby ratify and confirm it with the reservation according to Article 42 of the Convention, that the Czech Republic shall not be bound to assume any costs referred to in Article 26, paragraph 2, of the Convention, resulting from the participation of legal counsel or advisers or from our court proceedings, except insofar as those costs may be covered by its legal system of legal aid and advice.” — 15 December 1997
Denmark

“...pursuant to the provisions of Article 42, paragraph 1,

a the Kingdom of Denmark objects to the use of French in any application, communication or other document sent to its Central Authority (cf. Article 24, paragraph 2); and

b it shall not be bound to assume any costs resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice (cf. Article 26, paragraph 3)...” — 17 April 1991

El Salvador

“1. The Government of the Republic of El Salvador shall not be bound to assume the costs referred to in Article 26, paragraph 3, except insofar as those costs may be covered by its system of legal aid and advice;

2. (...)

3. (...)

4. The Government of the Republic of El Salvador declares that all documentation sent to El Salvador in application of the said Convention must be accompanied by an official translation into Spanish.” — 5 February 2001

Estonia

(...)  

2. pursuant to Article 42 and Article 24, paragraph 2, of the Convention the Republic of Estonia only accepts English language with regard to applications, communications or other documents;

3. pursuant to Article 42 and Article 26, paragraph 3, of the Convention the Republic of Estonia will not accept obligations with regard to expenses referred to in Article 26, paragraph 2, which result from the participation of a legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 18 April 2001

Finland

“1. Finland declares, according to Article 42 and Article 24, paragraph 2, of the Convention, that it accepts only the use of English in applications, communications and other documents sent to its Central Authority.

2. Finland declares, according to Article 42 and Article 26, paragraph 3, of the Convention, that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 25 May 1994
France

“2. In accordance with the provisions of Article 42 and pursuant to Article 24, paragraph 2, the Government will consider only those applications which are drawn up in French, or are accompanied by a translation into French, and will require a translation into French of any communication or document sent to its Central Authority.

3. In accordance with the provisions of Article 42 and pursuant to Article 26, paragraph 3, the Government declares that it will assume the costs referred to in paragraph 2 of Article 26 only insofar as those costs are covered by the French system of legal aid...” — 16 September 1982

Germany

“The Federal Republic of Germany declares in accordance with the third paragraph of Article 26 that it is not bound to assume any costs referred to in the second paragraph of Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its regulations concerning legal aid and advice.

The Federal Republic of Germany assumes that, in accordance with the first paragraph of Article 24, applications from other Contracting States shall regularly be accompanied by a translation into German.” — 27 September 1990

Greece

“1. In accordance with Article 42 of the Convention on the Civil Aspects of International Child Abduction, Greece declares that it shall not be bound to assume any costs referred to in the second paragraph of Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs concern cases of free legal aid.

2. In accordance with Article 42 of the above-mentioned Convention Greece declares that it objects to the use of the French language in any application, communication or other document sent to its Central Authority.” — 19 March 1993

Guatemala

“1. The Republic of Guatemala oppose itself to the use of French in all the requests, communication and other documents to be sent to the Central Authority, based in the second paragraph of Article 24 of the Convention (if applicable).

2. The Republic of Guatemala is not obligated to assume any kind of expenses mentioned in the second paragraph of Article 26 of the Convention, derived from the participation of a lawyer, legal advisors or the judiciary procedure, except insofar as those costs may be covered by its system of legal aid and advice.” — 6 February 2002
Honduras
“Under the reservation of Article 26, paragraph 3.” — 20 December 1993

Iceland
“1. In accordance with Article 42, paragraph 1, and Article 24, paragraph 2, of the Convention, Iceland makes a reservation with regard to Article 24, paragraph 1, and objects to the use of French in any application, communication or other document sent to its Central Authority.

2. In accordance with Article 42, paragraph 1, and Article 26, paragraph 3, of the Convention, Iceland makes a reservation that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

The other provisions of the Convention shall be inviolably observed.” — 14 August 1996

Israel
“In accordance with Articles 26 and 42 of the Convention, the State of Israel hereby declares that, in proceedings under the Convention, it shall not be bound to assume any costs resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 4 September 1991

Latvia
“In accordance with Article 42 and Article 24, paragraph 2, of the Convention on the Civil Aspects of International Child Abduction the Republic of Latvia declares that it accepts only the use of English in any application, communication or other document sent to its Central Authority.” — 15 November 2001

Lithuania
“1. Pursuant to Article 42 and paragraph 2 of Article 24 of the Convention, the Republic of Lithuania consents to using only the English language for any application, communication or other document sent to its Central Authority;

2. Pursuant to Article 42 and paragraph 3 of Article 26 of the Convention, the Republic of Lithuania shall not be bound to assume any costs referred to in paragraph 2 of Article 26 of the Convention resulting from court proceedings or from the participation of legal counsel or advisers, except insofar as those costs may be covered by the system of legal aid and advice of the Republic of Lithuania.” — 5 June 2002
Luxembourg

“The Grand-Duchy of Luxembourg declares that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, of the Convention, namely the costs resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs are covered by the Luxembourg system of legal aid and advice.” — 8 October 1986

Mauritius

“The Republic of Mauritius declares that it shall not be bound to assume any costs referred to in paragraph 2 of Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 23 March 1993

Moldova

“In accordance with the provisions of Article 42 of the Convention, pursuant to Article 26, paragraph 3, the Republic of Moldova declares that the Republic of Moldova will assume the costs referred to in paragraph 2 of Article 26 only insofar as these costs are covered by the national system of legal and judicial aid.” — 10 April 1998

Monaco

“In conformity with Article 26, paragraph 3, of the Convention, the Principality of Monaco declares that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 12 November 1992

Netherlands

“The Kingdom of the Netherlands shall not be bound to assume any costs referred to in the second paragraph of Article 26 of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on 25 October 1980, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 12 June 1990

New Zealand

“The Government of New Zealand hereby declares in accordance with Article 24 and Article 42 of the Convention that any application, communication or other document sent to its Central Authority should either be in the English language or accompanied by a translation thereof in the English language; and the Government of New Zealand hereby further declares in accordance with Article 26 and Article 42 of the Convention that it reserves the right not to be bound to assume the costs referred to in Article 26 resulting from the participation of legal counsel or advisers or from court proceedings, except insofar
as those costs may be covered by its system of legal aid and advice.” — 31 May 1991

Norway

“1. In accordance with Articles 24 and 42, the Norwegian Government reserves the right not to accept applications, communications or other documents sent to the General Authority in French.

2. In accordance with Articles 26 and 42, Norway makes the reservation that it shall not be bound to assume any costs resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by Act of 13 June 1980 relating to free legal aid.” — 9 January 1989

Panama

“...the Republic of Panama declares that it shall not be bound to assume any costs referred to in the first paragraph of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 2 February 1994

Poland

“In accordance with Article 42, the Republic of Poland makes the reservation pursuant to Article 26, paragraph 3, of the Convention and declares that it shall not be bound to assume any costs referred to in the preceding paragraph, resulting from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 10 August 1992

Saint Kitts and Nevis

“Saint Kitts and Nevis is not bound to assume any costs resulting under the Convention from the participation of legal counsel or advisers or from court proceedings in terms of paragraph 3 of Article 26 of the Convention.” — 31 May 1994

San Marino

“ In conformity with Article 26, paragraph 3, of the Convention, the Republic of San Marino declares that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 14 December 2006

Slovakia

“The Slovak Republic avails itself of the possibility to make a reservation under Article 42 of the Convention of 25 October 1980 on Civil Aspects of International Child Abduction and, in accordance with its Article 26, paragraph 3, declares that is shall not be bound to assume any costs referred to in Article 26,
paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 7 November 2000

South Africa

“(a) That the use of French in any application, communication or other document sent to the Central Authority of the Republic of South Africa, as provided for in Article 24 of the Convention, is objected to, and that such documents shall not be accepted in French.

(b) That the Republic of South Africa shall not be bound to assume any costs referred to in paragraph 2 of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except those costs which may be covered by the system of legal aid in terms of the Legal Aid Act, 1969 (Act No 22 of 1969).” — 8 July 1997

Sri Lanka

“For purposes of Article 24, the documents should be in the English language.

For purposes of Article 26(3) Sri Lanka should not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of Legal Counsel or advisers or from Court proceedings except in so far as those costs may be covered by the legal aid and advice system of Sri Lanka.” — 28 September 2001

Sweden

“In accordance with the provisions of Article 42 and pursuant to Article 42 and pursuant to Article 26, Sweden declares that it shall not be bound to assume any costs referred to in Article 26, paragraph 2, resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by the Swedish system of legal aid.” — 22 March 1989

Thailand

“(…) subject to the reservation, made pursuant to Articles 24 and 42 thereof, that it accepts only the use of the English language in any application, communication or other document sent to its Central Authority, (…) — 14 August 2002

Turkey

“…that in accordance with paragraph 3 of Article 26, the Republic of Turkey shall not be bound to assume any costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers and those of returning the child.” — 31 May 2000
United Kingdom of Great Britain and Northern Ireland

“...in accordance with the provisions of Article 42 of the Convention, the United Kingdom declares that it shall not be bound to assume any costs referred to in the second paragraph of Article 26 of the Convention resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.” — 20 May 1986

United States of America

“1. Pursuant to the second paragraph of Article 24, and Article 42, the United States makes the following reservation: All applications, communications and other documents sent to the U.S. Central Authority should be accompanied by their translation into English.

2. Pursuant to the third paragraph of Article 26, the United States declares that it will not be bound to assume any costs or expenses resulting from the participation of legal counsel or advisers or from court and legal proceedings in connection with efforts to return children from the United States pursuant to the Convention except insofar as those costs or expenses are covered by a legal aid program.” — 29 April 1988

Uzbekistan

“The Republic of Uzbekistan shall not be bound to assume any costs referred to in paragraph 2 of Article 26 and resulting from the participation of legal counsel or from court proceedings.” — 31 May 1999

Venezuela

“All communications to the Central Authority should be drawn up in the Spanish language. The Republic of Venezuela is not bound to assume any costs referred to in Article 26, paragraph 3.” — 16 October 1996

Zimbabwe

“...subject to the reservation that the costs mentioned in the second paragraph of Article 26 of the aforesaid Convention shall not be borne by the State.” — 4 April 1995
GIVEN under my official seal at Dublin
25 June 2008

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)

Section 4 of the Child Abduction and Enforcement of Custody Orders Act, 1991 enables the Minister for Foreign Affairs to declare which states are Contracting States to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on the 25th day of October 1980 and that a declaration or reservation has been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands. This Order specifies which States are Contracting States and sets out the texts of the declarations and reservations which have been received by the Ministry of Foreign Affairs of the Kingdom of the Netherlands.