

No. 7412

**AUSTRIA, FEDERAL REPUBLIC OF GERMANY,
FRANCE, GREECE, SPAIN, etc.**

Convention on the law applicable to maintenance obligations towards children. Done at The Hague, on 24 October 1956

Official text: French.

Registered by the Netherlands on 15 September 1964.

**AUTRICHE, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE,
FRANCE, GRÈCE, ESPAGNE, etc.**

Convention sur la loi applicable aux obligations alimentaires envers les enfants. Faite à La Haye, le 24 octobre 1956

Texte officiel français.

Enregistrée par les Pays-Bas le 15 septembre 1964.

[TRANSLATION — TRADUCTION]

No. 7412. CONVENTION¹ ON THE LAW APPLICABLE TO
MAINTENANCE OBLIGATIONS TOWARDS CHILDREN.
DONE AT THE HAGUE, ON 24 OCTOBER 1956

The States signatory to this Convention;

Desiring to establish common provisions concerning the law applicable to maintenance obligations towards children;

Have resolved to conclude a Convention for this purpose and have agreed on the following provisions :

Article 1

The law of the place of habitual residence of the child shall determine whether, to what extent, and from whom the child may claim maintenance.

Where a change of the place of habitual residence of the child occurs, the law of the new place of habitual residence shall apply as from the time when the change occurs.

The aforementioned law shall likewise govern the question who is qualified to institute the action for maintenance and within what time limit.

¹ In accordance with article 8, the Convention came into force on 1 January 1962, the sixtieth day following the date of deposit of the fourth instrument of ratification. The instruments of ratification of the following States were deposited with the Netherlands Government on the dates indicated :

<i>State</i>	<i>Date of deposit</i>	<i>Date of entry into force</i>
Luxembourg	27 August 1958	1 January 1962
Austria	24 June 1959	1 January 1962
Italy*	22 February 1961	1 January 1962
Federal Republic of Germany (also for the Berlin Land)	2 November 1961	1 January 1962
Netherlands (for the Kingdom in Europe)**	15 October 1962	14 December 1962
France	2 May 1963	1 July 1963

* In a note verbale accompanying its instrument of ratification, the Italian Government, availing itself of the right stipulated in article 2 of the Convention declared that it considers the Italian law applicable in the cases provided in sub-paragraphs *a*, *b* and *c* of that article.

** The Netherlands instrument of ratification was accompanied by the following declaration :

[*Translation — Traduction*] On proceeding to deposit the instrument of Her Majesty the Queen of the Netherlands ratifying the Convention on the law applicable to maintenance obligations in respect of children, opened for signature at The Hague on 24 October 1956, I, the undersigned, Minister for Foreign Affairs a.i. of the Netherlands, declare on behalf of Her Majesty's Government that, with respect to the Kingdom of the Netherlands, the expression "metropolitan territories", used in the text of the said Convention means "European territory", in view of the equality which exists under public law between the Netherlands, Surinam and the Netherlands Antilles.

The Hague, 15 October 1962

(Signed) J. DE QUAY

For the purposes of this Convention, the term "child" means any child, legitimate, illegitimate or adopted, who is unmarried and is under twenty-one years of age.

Article 2

Notwithstanding the provisions of article 1, any Contracting State may declare its own law applicable if :

- (a) The claim is lodged with an authority of that State,
- (b) Both the person from whom maintenance is claimed and the child have the nationality of that State, and
- (c) The person from whom maintenance is claimed has his place of habitual residence in that State.

Article 3

By way of exception to the preceding provisions, the law indicated by the national rules of conflict of the authority with which the claim is lodged shall apply in cases where the law of the place of habitual residence of the child denies him any right to maintenance.

Article 4

The law declared applicable by this Convention may be excluded only if its application is manifestly incompatible with public policy in the State of the authority with which the claim is lodged.

Article 5

This Convention shall not apply to maintenance relationships between collaterals.

It shall govern only conflicts of laws concerning maintenance of obligations. Decisions rendered in application of this Convention shall be without prejudice to questions of affiliation or to family relationships between the claimant and the respondent.

Article 6

The Convention shall apply only to cases where the law indicated by article 1 is that of one of the Contracting States.

Article 7

This Convention shall be open for signature by the States represented at the eighth session of The Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

A record shall be made of each deposit of the instruments of ratification, a certified copy of which shall be transmitted through the diplomatic channel to each of the signatory States.

Article 8

This Convention shall enter into force on the sixtieth day following the deposit of the fourth instrument of ratification in accordance with the provisions of article 7, second paragraph.

For each signatory State subsequently ratifying it, the Convention shall enter into force on the sixtieth day following the date of deposit of the instrument of ratification of that State.

Article 9

This Convention shall apply to the metropolitan territories of the Contracting States as a matter of course.

If a Contracting State wishes the Convention to be applicable to all its other territories, or to those of its other territories for the international relations of which it is responsible, it shall give notice of its intention in this regard by an instrument which shall be deposited with the Ministry of Foreign Affairs of the Netherlands. The latter shall transmit through the diplomatic channel a certified copy thereof to each of the Contracting States.

The Convention shall enter into force as between States not raising any objection within the six months following such notification and the territory or territories for whose international relations the State in question is responsible and regarding which notice was given.

Article 10

Any State not represented at the eighth session of the Conference may accede to this Convention, unless one or more States which have ratified the Convention object within a period of six months following notification by the Government of the Netherlands of such accession. Accessions shall be effected in the manner specified in article 7, second paragraph.

It is understood that accessions may not take place until after the entry into force of this Convention pursuant to article 8, first paragraph.

Article 11

Any Contracting State may, on signing, ratifying or acceding to this Convention, reserve the right not to apply it to adopted children.

Article 12

This Convention shall have a duration of five years from the date specified in article 8, first paragraph of this Convention.

This period shall begin to run as from that date even for the States which ratify or accede to the Convention subsequently.

The Convention shall be renewed by tacit agreement for successive periods of five years unless it is denounced.

Notice of denunciation must be given, at least six months before the expiration of the period, to the Ministry of Foreign Affairs of the Netherlands, which shall notify all the other Contracting States thereof.

The denunciation may be limited to the territories or to certain of the territories specified in a notification made in accordance with article 9, second paragraph.

The denunciation shall have effect only as regards the State which has given notice thereof. The Convention shall remain in force for the other Contracting States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE at The Hague, on 24 October 1956, in a single copy, which shall be deposited in the archives of the Government of the Netherlands and of which a certified copy shall be transmitted, through the diplomatic channel, to each of the States represented at the eighth session of The Hague Conference on Private International Law and to the States subsequently acceding hereto.

For the Federal Republic of Germany :

(*Signed*) Dr. Josef LÖNS
[26 August 1959]

For Austria :

(*Signed*) Fritz SCHWIND
(*Signed*) Viktor HOYER

For Belgium :

For Denmark :

For Spain :

(Signed) José RUIZ DE ARANA Y BAUER, Duke of Baena

For Finland :

For France :

(Signed) E. DE BEAUVERGER

(Signed) LA MORANDIÈRE

For Greece :

(Signed) G. MARIDAKIS

(Signed) P. VALLINDAS

(Signed) Ch. FRAGISTAS

For Italy :

(Signed) GIUSTINIANI

[8 October 1958]

For Japan :

For Luxembourg :

(Signed) Ch. Léon HAMMES

For Norway :

(Signed) Edvin ALTEN

For the Netherlands :

(Signed) J. OFFERHAUS

For Portugal :

(Signed) J. B. FERREIRA DA FONSECA

[7 January 1958]

For the United Kingdom of Great Britain and Northern Ireland :

For Sweden :

For Switzerland :

(Signed) Jean MERMINOD

[4 July 1963]

For Turkey :
