

HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Questionnaire Concerning Practical Mechanisms for Facilitating Direct International Judicial Communications in the context of the Hague Convention on the Civil Aspects of International Child Abduction 1980.

III. The Questions

A. The feasibility and/or desirability of the appointment of a liaison judge or authority.

1. Yes, Scotland has appointed a liaison judge.

B. Administrative Aspects

1. (a) The Central Authority consulted the Lord President (highest judge) before making the appointment.
1. (b) No formal role or functions attributed.
1. (c) Judge knows the Central Authority in Scotland and can contact it direct.
1. (d) No formal arrangements have been made with regard to possible language difficulties.
1. (e) Yes, the appointment of liaison judge has been communicated to the Permanent Bureau.
1. (f) No, the appointment of liaison judge has not formally been communicated to other states.

C. Practical and legal aspects.

1. We are not aware of any communications at international level involving judges in this jurisdiction
2. As far as we are aware there have been no such cases
3. In our view the following safeguards should be followed:
 - Parties to be notified in advance of the nature and (as far as possible) the proposed content of the conversation;
 - Parties to be given opportunity to be present in all cases;
 - Record to be kept of communications and information imparted and received;
 - Any procedure adopted would be so tailored as to be fair to the parties.

D. General.

Since court cases under the Convention are comparatively rare in Scotland, it is a considerable benefit to have the opportunity to tap into the experience gained in other jurisdictions.