International Academy of Family Lawyers
European Chapter

1989 - 2024
35th anniversary

Newsletter, Spring 2024

Contents

From the Editor

by Soma Kölcsényi

"A Warm Welcome from the IAFL European Chapter!"

Welcome, esteemed colleagues, to the latest edition of the International Academy of Family Lawyers European Chapter newsletter.

I'm thrilled to connect with you again and share updates on our vibrant community. First and foremost, a resounding success story to celebrate! The recent IAFL Introduction to European Family Law Conference in Thessaloniki, held on 17 & 18 April 2024, was a resounding success. The event, co-organized with the esteemed Law School of Aristotle University, brought together family law practitioners from across Europe for a stimulating one and a half days, hosted by the wonderful Dr. Konstantinos Rokas and Alice Meier Bourdeau.

In-depth discussions explored a range of crucial topics, from the intricacies of Greece's same-sex marriage legislation to navigating cross-border family challenges in times of crisis. We were also honoured to hear presentations from Ms Marie Vautravers, Secretary of the European Judicial Network in Civil and Commercial Matters, DG Just, European Commission, and the highly anticipated address by the winner of the prestigious 2024 Young Lawyers' Award, Ms. Olalla Garcia-Arreciado from England.

The energy and expertise shared in Thessaloniki were truly inspiring. This conference serves as a powerful testament to the collaborative spirit and intellectual depth that defines the IAFL European Chapter.

You will find further details on the conference, along with a report on the Asia Pacific Chapter meeting in Brisbane and some excellent articles from the European Fellows. Whether you're a seasoned practitioner or a rising star in the field, we encourage you to actively engage with resources and opportunities offered by the chapter.

As part of the European Chapters 35th Anniversary celebrations we held a webinar in April with 8 former Presidents - Annie Dunster, IAFL Executive Director and Sandra Verburgt, IAFL European Chapter President share their thoughts on the session. We also delved into the Chapter's archives and thought we would share the minutes of the first Annual General Meeting held in Munich on the 27 April 1990.

Save the date - European Chapter meeting:

4 – 8 December 2024 Paris, France
21 – 25 May 2025: Istanbul, Turkey
5 – 9 February 2025: Barcelona, Spain

Let's continue fostering a dynamic and supportive network dedicated to excellence in European family law. Please send articles for the next edition of the newsletter to Ele Dexter, European Chapter Manager ele.dexter@iafl.com.

With warmest regards,

Soma Kölcsényi
Editor

European Chapter 35th Anniversary Celebrations Begin!

by Annie Dunster and Sandra Verburgt

On 25th April 2024 the European Chapter kick-started its 35th Anniversary celebrations in style and took a trip down memory lane courtesy of zoom and hosted by current Chapter President Sandra Verburgt. A total of 9 Chapter Presidents were on the call as well as about 40 Fellows both long-standing and new to the Academy with past and current officers. There was sheer delight as those on screen recognized people they had not seen for a while!

It was a pleasure to be joined by the 1st European Chapter President, Miles Preston, who while serving as the 2nd President of the then English Chapter, championed extending the Chapter's borders to include Europe. During Miles's Presidency the first meeting of the European Chapter took place in Paris in April 1989. The meeting followed the same format that we use today providing a mix of education, networking, camaraderie, and dancing.

Douglas Alexiou, who was Chapter President from 1998-2002 recalled chairing a meeting in Amsterdam and paid tribute to Fellow Carla Smeets who had played a key role in arrangements for the meeting including a walking tour through Amsterdam's infamous red light district. During his presidency in 1999 the IAFL faced the untimely death of Audrey DuCroux whom the IAFL still honours with an annual eponymous lecture, Audrey was European Chapter President from 1994-1996 and at the time of her premature death was about to become the first female President of the Academy. Following his European Chapter presidency, Douglas stepped in as IAFL President.

Haroula Constandinidou's presidency from 2004-2006 hailed the first concerted effort for expansion in under and un-represented jurisdictions as well as collaboration with other like-minded organizations. The meeting which IAFL's Dancing Queen Mia Reich-Sjogren organized in Stockholm in 2009 provided a raft of memories including a highlight for many, dancing to an ABBA tribute band. The 2nd meeting which Mia organized in Munich kept fellows in Munich for longer than

they had planned due to the ash cloud from the Icelandic volcano Eyjafallajökull which caused widespread disruption to European air traffic for several days. IAFL President Rachael Kelsey spoke briefly about her Chapter presidency which was during the pandemic. The Chapter's zoom chats and webinars date back from that time.

Other past Chapter Presidents William Longrigg, David Salter and Mark Harper each provided memories of shared experiences at various meetings. Everyone had a different favourite meeting with often their first encounter of IAFL being a cherished memory. However, the common theme throughout was the warmth, camaraderie, collegiality and life-long friendships that have developed over the years.

What was equally clear to everyone was that while there is more fun and dancing to be done, thanks to the contributions of many Fellows, the organization has made great progress in working to improve the administration of justice in family law across the globe. Efforts continue with building representation in under and un-represented jurisdictions, IAFL has observer status at the Hague Conference and the EJN, and an impending application for the same with the Council of Europe. The work of the IAFL Amicus Committee is thriving with amicus briefs having been submitted to the UK Supreme Court, the Constitutional Court of Slovakia and the Cour de Cassation in France. And so may the work, collegiality, professional and friendly exchanges continue well beyond the ending of the music and dancing; and hopefully well beyond the next 35 years!

Annie Dunster
IAFL Executive Director

Sandra Verburgt
IAFL European Chapter President

Report on the Asia Pacific Chapter Meeting in Brisbane, February 2024

by Jason Walker, IAFL Fellow Australia and IAFL Parliamentarian

The IAFL Asia Pacific Chapter meeting took place in Brisbane, Australia from 21 to 25 February 2024.

Brisbane is the capital of the state of Queensland, which is known locally at "the Sunshine State". Home to pristine white beaches and the Great Barrier Reef, Queensland has a sub-tropical climate. For many years the Queensland Tourism Authority ran a campaign with the tag line, "Queensland - beautiful one day, perfect the next". And so it proved to be for the 169 attendees.

The AP meeting appropriately adopted a nautical theme. On day 1 of the conference, the session titled "Cruising the South Pacific" gave us an insight into family law in the Solomons, Vanuatu, Fiji and the Cook Islands. Fiji modelled its family law system on Australia's Family Court and Family Law Act, with adaptations to take into account local custom: parents can bring financial support claims against adult children and village lands are indivisible between spouses even if substantial financial contributions had been made to village property. Customary law, Christian principles and commercialism all impact Cook Islander law.

On day 2 of the meeting, there were presentations on developments in Prenuptial and Post Nuptial agreements in the Asia Pacific region and coercive control in Article 13 of the Hague Convention on the civil aspects of international child abduction with comparisons from India, Singapore, New Zealand, Japan and parts of the United States. The final session focussed on international mediation, arbitration, collaborative practice and other forms of dispute resolution.
A well-attended symposium was held before the meeting in conjunction with LawAsia, which was attended by many local lawyers.
The social program highlighted the very best of the city's lush subtropical location, with the option to learn to surf in Surfers Paradise, on the Gold Coast, south of Brisbane. Social program activities also included an Aboriginal art walking tour and for the more adventurous a climb of the iconic Storey Bridge, a barbecue

lunch and river life adventures (kayaking and rock climbing) and President's dinner at the Queensland Art Gallery of Modern Art.

The meeting was a huge success drawing registrants from Australia, Canada, China, England, Fiji, France, Hong Kong, Hungary, India, Japan, Netherlands, New Zealand, Russian Federation, Scotland, Singapore, South Africa and across the United States.

At the AGM held at the conclusion of the meeting, Kai Yun Wong (Singapore) replaced outgoing president, Geoff Wilson (Australia).
The next Asia Pacific Chapter Meeting will be in Hong Kong, China from 3 to 7 December 2025.

Jason Walker, IAFL Parliamentarian

Winner of the IAFL European Chapter Young Lawyers' Award

by Olalla García Arreciado

IAFL EUROPEAN CHAPTER YOUNG LAWYERS' AWARD 2024

Mona is Spanish and her husband Franck is German, they were living in London and have two children:
Clara, 10 years old
Leo, 8 years old

They divorced in England and in their divorce agreement it was acted that:

Mona would relocate with the children to Madrid. Franck will have an access right during all the Spanish school holidays. Franck would pay a €500 child maintenance per child per month.

Franck is complaining because Mona does not respect his access right and he has not been able to enforce his access for the last school holidays.

Mona is complaining because Franck has stopped paying her the children maintenance and he currently owes her a few months of maintenance.

What could be done to help?

Franck to enforce his access right.

N.B. It is unclear from the case study whether Franck remains living in London, but for the purposes of this composition it has been assumed that he does.

1. Firstly, if Franck had legal representation or took legal advice at the time where he and Mona were negotiating their "divorce agreement", he would

have been advised by his English solicitors that in England there are separate proceedings for each issue arising out of a divorce. This means that, if the parties only apply for divorce but make no other applications, the court will simply sanction the dissolution of the marriage, but it will not make any consideration as to the finances or the arrangements for the children – it is up to the interested party to make an application for the court to tackle these issues, absent which it will be assumed that the parties will be capable of reaching an agreement without the court's intervention.

2. The case study simply says that there was a "divorce agreement". There are two possible scenarios arising out of that statement.
   a. The first scenario is one where the English court only intervened for the purpose of dissolving the marriage, and that all other issues were discussed and agreed by the parties (either directly, by attending a non-court dispute resolution alternative such as mediation, or through their respective solicitors), but that there is no court order in place.

      i. In this scenario, Franck and Mona would have reached an agreement as to children's arrangements and they would have reflected the agreed terms in a Parenting Plan or a similar informal written document. A Parenting Plan is not legally binding under English law, and therefore it cannot be enforced if a parent does not comply with the agreed terms.

      ii. The parties would have had the possibility of formalising their agreement and making it legally binding by submitting a joint application under section 8 of the 'Children Act 1989' (using form C100 and following the procedure outlined in Part 12 of the Family Procedure Rules) accompanied by a draft consent order reflecting the terms of the agreement. Nonetheless, this is not necessarily a rubber-stamp exercise as the court has a duty to consider and protect the best interests of the concerned children. Therefore, the court can ask the parties to attend a hearing, can override the parties' agreement and make different arrangements for the children, and can direct the involvement of CAFCASS to investigate the background of the family and make recommendations to the court as to what is in the children's best interests.

iii. In any event, the possibility of Franck and Mona submitting such a joint application now is unrealistic because (a) if Mona is not complying with Franck's visitation rights under the agreement, she is unlikely to want to make the agreement legally binding, and (b) if Mona and the children have already relocated to Spain, the English court is likely to have lost jurisdiction over the children. Section 2(1)(a) of the 'Family Law Act 1986' makes clear that the court does not have jurisdiction to make an order under section 8 of the 'Children Act 1989' unless (i) it has jurisdiction under the '1996 Hague Convention on the International Protection of Children of 19 October 1996' (which refers to the children's habitual residence, save for exceptions that are not relevant to the case study) or (ii) the 1996 Convention does not apply but the children concerned are habitually resident or present in England. Given that the children at this stage are neither habitually resident nor present in England, the English court does not have jurisdiction to make a child arrangements order (whether by consent or on Franck's sole application).

iv. Franck, therefore, would need to start fresh proceedings in Spain, as the children's new place of habitual residence. The procedure is outlined in Articles 748 et seq. of the Spanish Civil Procedure Rules (Ley de Enjuiciamiento Civil). There, the court would look at the children's best interests when considering whether to grant Franck the visitation rights he seeks under Article 92 of the Spanish Civil Code. The public prosecutor (Ministerio Fiscal) would necessarily intervene in its role as protector of the best interests of the children. Although the Spanish court would be likely to place some weight on the agreement as showing the arrangements that the parties thought were in their children's best interests at the time, the court would not be bound by it.

b. The second scenario is one where Franck and Monica did ask the English court to formalise their child arrangements agreement into a legally binding consent order, using the procedure outlined above.

i. If the order was made before 11pm on 31 December 2020, or was made after that date but the proceedings were instituted before that deadline, Article 67 of the 'Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community' provides that its recognition is subject to the provisions of 'Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000'. Under Article 21 of the Regulation, the order shall be capable of recognition in Spain without any special procedure, so Franck can make an application before the local court in Spain for a decision that the order be recognised. The grounds for non-recognition are quite limited and it is unlikely that any such exceptions would apply in this case, particularly where the order was made by consent. Article 41 provides that rights of access such as those that Franck is seeking to enforce are recognised and enforceable without requiring Franck first to obtain a declaration of enforceability; and there is no possibility of Mona opposing its recognition. Franck would need to obtain an authenticated copy of the judgment (translated into Spanish by a sworn translator appointed by the Spanish Ministry of Foreign Affairs) and a certificate from the English judge that issued the order using Annex III. That will make the order enforceable in Spain in the same conditions as if it had been delivered in Spain (Article 47) and, if the order lacks specificity, Franck can ask the Spanish court to make practical arrangements for organising the exercise of his right of access (Article 48).

ii. If the recognition and enforceability of the order does not fall within the transitional arrangements for the implementation of 'Brexit' because the order was made, or the proceedings instituted, after 11pm on 31 December 2020, Franck will need to rely on the 1996 Convention, which both the UK and Spain have ratified, and which scope includes rights of access (Article 3.b). The Convention provides for the recognition of all measures by operation of law, with only limited exceptions (Article 23), once the measures are declared enforceable or registered for the purpose of enforcement in Spain

(Article 26), which will give the measures the same status as if they had been taken by the Spanish authorities (Article 28). The central authorities of the UK and Spain can cooperate under the auspices of Article 35 to ensure the effectiveness of those rights. Although, in theory, Mona could apply for a variation of the terms of the order using the procedure set out in Article 775 of the Spanish Civil Procedure Rules, given that Spain has gained primary jurisdiction over the children after their relocation, it is unlikely that such a variation will be granted unless Mona can show there are new circumstances that were not foreseeable at the time the English order was made by consent, and that are relevant enough to render the terms of the English order no longer appropriate. The Spanish court should be slow to vary the terms of the order, particularly if such an application is made shortly before the relocation occurs, as recommended by the 'Practical handbook on the operation of the 1996 Hague child protection convention' (see Chapter 13, section A, subsection (d), paragraph 13.27).

Mona to enforce her maintenance.

3. Again, this will depend on whether an order was obtained in England (making the agreement legally binding) and, if so, on when said order was obtained.

    a. If an order was not obtained, then Mona does not have a maintenance order to enforce and she will need to file a fresh claim for child maintenance, without her being able to recover any arrears due under the agreement.

        i. Mona may wish to claim child maintenance from Franck in England, as his place of habitual residence. Given that Mona, as the person with care, and the so-called (for child maintenance purposes) "qualifying children", are all living outside of the UK, the 'Child Maintenance Service' does not have jurisdiction to make an assessment (section 44.1 of the 'Child Support Act 1991'). This means the English court is the authority that has jurisdiction to make orders for child maintenance, should Mona decide to pursue the claim in England. Mona would have to file an application under

Schedule 1 to the 'Children Act 1989'. This piece of legislation gives the court the power to order not only periodical payments for the benefit of the children, but also to make orders covering the children's educational expenses, settling or transferring property to the children or to the person with care, or for the payment of a lump sum to meet one-off capital items for the children's benefit (e.g., medical costs, furniture, vehicles). Any order for child maintenance will have effect from the date the application was filed by Mona and will prevent either party from making an application for a Child Maintenance Service assessment for only a year, in the event that the CMS were to regain jurisdiction (for example, if Mona and the children were to relocate back to the UK). Generally speaking, an English child maintenance order must not extend beyond the child's 18th birthday unless there are special circumstances, or the child is to continue his or her full-time education. An order made under Schedule 1 to the 'Children Act 1989' will be automatically enforceable in England against Franck's English income and assets (and Mona would be able to use the 2007 Hague Convention for that purpose too, which provides for the creditor to be able to apply for the enforcement of a decision made in the requested State). Mona would also benefit from Franck's legal duty, under English law, to provide full and frank disclosure throughout the proceedings – a legal duty that is not replicated in Spanish law. Mona could also apply for a maintenance order under the 2007 Hague Convention – more on which below.

ii. Mona is also able to make a claim for child maintenance in Spain under Articles 93 and 142 et seq. of the Spanish Civil Code, as her and the children's place of habitual residence. She would have to follow the procedure set out in Article 769 of the Spanish Civil Procedure rules. She may wish to bring the proceedings in Spain as she is likely to be more familiar with the language, process and legal principles – and she may also be conscious that legal fees in England, if she seeks representation, are likely to be much higher. However, assuming that Franck does not have any assets or earnings in Spain, enforcement might be difficult. Mona may be entitled (depending on her own financial resources) to apply to the Spanish Maintenance Fund (Fondo de garantía del pago de

alimentos) for an advance payment of EUR 100 per month for up to 18 months, which will need to be reimbursed to the Fund once the order is enforced against Franck. Mona would be able to enforce a Spanish child maintenance order in England against Franck using the '2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance', which both the UK and Spain have ratified. The procedure is set out in Part 34 of the 'Family Procedure Rules'. The Convention is engaged in its entirety when it comes to child maintenance, up to the default age limit of 21 years (Article 2.1.a). Mona, as the creditor, would be able to apply for the recognition and enforcement of the Spanish order in England following the procedure of Article 23 if the requirements of Article 20 are met; Article 34 sets out a variety of enforcement measures. Mona could also use the Convention to apply for England to make a decision as to child maintenance (Article 10.1.c), and to then enforce it. Franck would be able to counter-apply for a modification of the decision (Article 10.2.c). Mona could also make use of the convention to obtain information about Franck's income and assets (Article 6.1) before proceeding with the enforcement.

b. If an order was obtained in England when the parties reached an agreement:
    i. If Mona wishes to enforce it in England, then she can either use the 2007 Convention as outlined above, or enforce directly in England under Part 33 of the 'Family Procedure Rules' by making an application for a specific enforcement measure (an attachment of earnings order, a warrant of control, a third party debt order, a charging order or a judgment summons) or for such an enforcement measure as the court considers appropriate.

    ii. If Mona wishes to enforce the order in Spain (for example, because Franck has assets or income there), how to enforce it will depend on when the order was obtained, or the proceedings instituted.

1. If the order was made before 11pm on 31 December 2020, or was made after that date but the proceedings were instituted before that deadline, Article 67 of the 'Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community' provides that its recognition across Member States is subject to the provisions of 'Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations'. As the UK, in its historic and ongoing refusal to apply foreign law to family law matters, was never bound by the '2007 Protocol on the Law Applicable to Maintenance Obligations', the recognition and enforcement of such decisions is regulated in Section 2 of Chapter IV of the Regulation. The order must be recognised in Spain without any special procedure, so Mona could apply to the Spanish court for a decision that the English order be recognised and declared enforceable (Articles 23 and 27) and in all likelihood that decision would be granted in view of the stringent grounds of refusal of recognition (Article 24), none of which would appear to be applicable to the case study. Again, Mona would need to provide an authenticated copy of the order and an extract of the decision issued by the English court using Annex II (Article 28). The declaration of enforceability should be issued by the Spanish court in less than 30 days, without Franck having an opportunity to make submissions (Article 30), although once the decision is made either party can appeal it. If the English order is declared enforceable, then Mona would be able to enforce it in Spain as if it was a Spanish decision.

2. If the recognition and enforceability of the order does not fall within the transitional arrangements for the implementation of 'Brexit' because the order was made, or the proceedings instituted, after 11pm on 31 December 2020, Mona will need to rely on the provisions about

recognition and enforcement of the 2007 Convention, as above (see 3.a.ii.2).

II. Franck has learnt that Mona is now living as a couple with Anna, he wants to file a petition to change the custody and the maintenance of the children. Where and how should he file his petition?

4. As above, Spain appears to be now the children's place of habitual residence. As such, Article 7.1 of 'Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)' grants jurisdiction to the Spanish court in matters of parental responsibility. The case would be allocated to the local court where Mona and the children live.

5. Franck would need to file a single set of proceedings in relation to the children's custody and maintenance, applying the legal principles set out in Articles 92, 93 and 142 et seq. of the Spanish Civil Code and using the procedure set out in Articles 748 et seq. of the Spanish Civil Procedure Rules and in Articles 85 et seq. of the Voluntary Jurisdiction Act 15/2015.

6. The Spanish court would consider the children's best interests when making a decision on the issue of custody (which, in this case, would also involve their relocation back to the UK), but unless safeguarding issues can be shown in respect of Anna, the court is unlikely to change the custody arrangements simply because Mona is now in a same-sex relationship, as that would clearly amount to discrimination and a breach of human rights (in particular, of Articles 8, right to respect for private and family life, and 14, prohibition of discrimination, of the 'European Convention on Human Rights').

7. As to child maintenance, the Spanish court would assess it in proportion to the children's needs and the parties' respective financial positions (Article 146 of the Spanish Civil Code), aided by the tables published by the Consejo General del Poder Judicial, which in any event do not bind the court.

If Mona moves with the children to Geneva, after Franck has filed his application and before the hearing does it changes something in the case?

8. A further relocation of the children from Spain to Switzerland without Franck's consent would be a wrongful removal and thus engage the '1980 Hague Convention on the Civil Aspects of International Child Abduction', because at the time of the removal Franck had rights of custody and they were being exercised (Article 3). The agreement that the children shall live with Mona does not entitle her unilaterally to remove them from the place of habitual residence. Under Spanish law (as the law of the children's place of habitual residence), Franck has joint parental responsibility over the children (Article 154 of the Spanish Civil Code) and thus the right to veto the children's removal from their place of habitual residence, and that is equivalent to having a right of custody for the purposes of the Convention (Article 5).

9. Franck could use the Convention to secure the children's return to Spain (Article 8). Switzerland shall order the return of the children to Spain expeditiously (Article 12) unless Mona can show that an Article 13 defence applies. Franck could also use the Convention to secure his rights of access pending the return and once the return takes place (Articles 7.f and 21); if interim contact is deemed to be urgent, Article 11 of the 1996 Convention can also be used to make such an interim order, which will lapse once Spain takes the necessary measures and, if any other measures of protection to ensure the safe return of the children are necessary, the 1996 Convention will ensure that they are recognised by operation of law in all Contracting States (see Chapter 13, section A, subsection (a), of the 'Practical handbook on the operation of the 1996 Hague child protection convention').

10. If Mona wishes to relocate yet again with the children from Spain to Switzerland and Franck, as joint holder of parental responsibility, does not consent to the relocation, she will need to seek the Spanish court's authorisation and file a petition under the Voluntary Jurisdiction Act 15/2015. The best interests of the children will be the court's paramount consideration. Unlike in England, there is a judicial trend in Spain to granting 'leave to remove' applications where one party, as in this case, has custody or is the children's primary carer, prioritising that parent's right to choose his or her place of residence; particularly in circumstances such as this, where the non-resident parent lives in a third jurisdiction, the Spanish court is likely to conclude that Franck can maintain his relationship with the

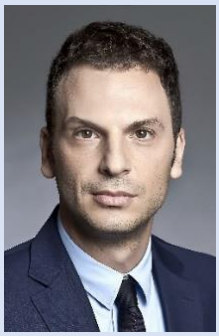
children and his rights of access to them as much in Switzerland as in Spain, and that therefore the relocation can proceed.

Dated this 13th December 2023

Author: Olalla García-Arreciado

Associate (Spanish-Qualified) at Howard Kennedy LLP (London, England)

Spanish Abogado and Registered Foreign Lawyer



A Historic Step: Greece's new legislation on same sex-marriage

By Konstantinos Stavropoulos, IAFL Fellow Greece

On 16th February 2024, following extensive public discussion and debate, Law 5089/2024 titled "Equality in Civil Marriage and Amendments to Other Provisions of the Civil Code" was published in Greece. With this law, which came into effect from its publication date, Greece took a bold step forward, addressing inequality and promoting inclusivity, becoming the first Orthodox Christian State to recognize same-sex marriage.

The primary objective of this law is to promote the principle of equality by extending the possibility of marriage to same-sex couples and to enhance protection against discrimination, in line with the National Strategy for LGBTQ equality.

Although the new legislation legalizes same-sex civil marriage, it does not interfere with the freedom of the Greek Orthodox Church or any other religion recognized in Greece to allow or disallow same-sex religious marriage.
By recognizing same-sex marriage, the law also extends adoption provisions to same-sex spouses. This means that same-sex spouses now have full adoption rights. According to Greek Civil Code adoptive parents can be married or single. Additionally, adoption by more than one person is permitted only if the ones who adopt are married. Thus, by the recognition of same-sex marriage it is possible for same-sex spouses to jointly adopt a child and for a spouse to adopt the child of their same-sex spouse.

Notwithstanding the above, same-sex couples are still prohibited from seeking medically assisted reproduction through a surrogate in Greece, despite the fact that surrogacy has been legislated and permitted in Greece since 2002. The paradox especially lies in the fact that while same-sex couples cannot establish parenthood through surrogacy within Greece, the new law explicitly recognizes parent-child relationships, established abroad even in ways not provided for in domestic law and regardless of the parents' gender. To be recognized in Greece,

such parent-child relationships must have been registered in public documents or court decisions of the third state. The legislator's aim is to cover recognition of parenthood established abroad of all children, irrespective of how they were conceived or born, and irrespective of their type of family. For this reason, the law specifies that the recognition of a parent-child relationship established abroad cannot be contested in Greece based on the gender of one or both parents or the absence of specific method of establishing the parent-child relationship within the Greek legal system. Thus, under the new legislation it is possible for a same-sex couple or a single unmarried man to seek surrogacy in a third state and have the resulting parental relationship recognized in Greece.

Obviously, this situation creates an anomaly: same-sex couples and single unmarried men seeking parenthood through surrogacy in Greece are compelled to engage in this process abroad, as direct surrogacy within Greece remains unavailable to them. This condition could lead to social and economic inequality. Moreover, the law not only provides for the recognition of the parenthood established abroad through medically assisted reproduction methods but it also recognizes parent-child relationships through adoption by two same-sex spouses. According to the new law, such adoptions are only recognized by virtue of a court decision and have retroactive effect from the time they were granted. Additionally, the new law specifies that same-sex marriages (where at least one of the spouses is a Greek national) conducted and recognized as valid in another state before the new law's enactment (specifically prior to 16 February 2024) are recognized as valid in Grece from the moment they took place. They are not recognized only if: (a) a new marriage has been conducted in the meantime by at least one of the spouses; or (b) an irrevocable Greek court decision has declared the nonexistence of the marriage; or (c) the marriage has been dissolved or annulled.

Furthermore, the new legislation allows same-sex couples with a prior cohabitation agreement (a civil union type scheme for couples in Greece) which has not been dissolved or annulled to convert it into a marriage within a year from new law's effective date. The conversion is applied retrospectively, meaning that the date of marriage is backdated to the date the cohabitation agreement was entered into, provided that the spouses declare this intention to the competent registry office.

The new law extends beyond the recognition of same-sex marriage and parenthood by same-sex couples: essential interventions have been made in labor law to safeguard same-sex spouses and parents against discrimination guaranteeing their entitlement to the same benefits and protections as heterosexual spouses and parents, including parental leave and safeguards against dismissal.

The new law also revises a provision concerning children's surname. Through this amendment, the outdated previous provision is rectified, ensuring that in instances where parents fail to declare a surname for their children, the children receive not solely the father's surname as per previous regime, but instead a compound surname composed of both parents' surnames in alphabetical order.
Without a doubt, the legal reform represents a significant milestone for Greece, notwithstanding the presence of certain individuals or groups within the country vehemently opposing it due to its perceived conflict with traditional cultural or religious values, potentially inciting societal discord. Every significant change requires time for acceptance. The new legislation will develop a crucial educational function in embracing diversity. After all, law in general serves as a mechanism for formalizing societal norms and values, including those related to diversity and inclusion.

Konstantinos Stavropoulos, Greece

An overview of transgender rights: Law 4/2023

by Alberto Perez Cedillo, IAFL Fellow Spain and England and Immediate Past President, European Chapter

The main objective of this article is to highlight the legal changes introduced by Law 4/2023 regarding transgender and LGBTI rights in the Spanish jurisdiction. This legislation sets a precedent for adapting legal systems to reflect the diversity of modern family structures. Its aim is to recognise, guarantee, protect and promote equal treatment and non-discrimination on grounds of sexual orientation and identity, gender expression or sexual characteristics of LGBTI people and their families.

The abovementioned legislation's key contributions are the following:

Gender self-determination. The right to rectify the registration entry of sex and, where appropriate, the name of the person in the Civil Registry has been recognised based on the principle of free development of personality and the fundamental right of personal privacy. This will allow individuals to make legally effective decisions on their identity.

Any individual of Spanish nationality over 16 years old will be able to appear by themselves before the Civil Registry and request the modification of the registration entry related to sex, without anyone else being involved in the process.

Minors over 12 and under 14 years old can request a judicial authorisation for the modification of the registration of sex under Law 15/2015, of 2 July, on Voluntary Jurisdiction.

Minors over 14 and under 16 years old can request a modification of the registration of sex by themselves, assisted in the procedure by their parents/legal representatives. In the event of disagreement between the parents or legal representatives, among themselves or the minor, a legal guardian shall be appointed.

Once the application to modify the registration entry related to sex has been received, the individual will be summoned to make an appearance, assisted by

their legal representatives in the case of minors over 14 and under 16 years old. In this first appearance, the applicant will include a choice of a new personal name, except when the person wishes to keep their name. The Civil Registrar shall also inform the applicant of the legal consequences of the application. If the applicant agrees with the information provided, the request for the rectification of the sex mentioned in the birth certificate will be ratified by providing their signature. Within a maximum period of three months the Civil Registry will summon the applicant to make a second appearance and ratify the request again. A decision will be given within a maximum period of one month from the date of the second appearance.

The decision to rectify the sex entry shall have constitutive effects as soon as it is entered into the Civil Registry. The reversibility to return to the previously registered sex it is permitted following the same procedure established for the rectification once 6 months have elapsed.

Legal documents. The determination of sex on official identification documents shall correspond to the determination of sex on the Civil Registry.

Public administrations shall implement measures to ensure administrative documentation and forms reflect diversity in sexual orientation, gender identity, expression, and family diversity. Identification documents will align with the registered sex, and upon registry changes, new IDs and passports will be issued. Indeed, individuals can request the reissue of documents to match their corrected registry, ensuring proper identification.

In addition, foreign people who can prove that they cannot carry out the rectification of the sex entry and, if applicable, the name in their country of origin - which will be verified by the Ministry of Foreign Affairs, European Union and Cooperation within a maximum period of one month- are allowed to request the rectification of the mention of the sex and the change of name in the documents issued to them. Public administrations shall enable procedures to adapt the documents issued to foreigners who hold a regular administrative situation in Spain and who have carried out rectification of their registration in their country of origin.

Depathologisation of transsexuality. Under Law 4/2023, transsexual individuals no longer need to prove (i) through a medical or psychological diagnosis of

gender dysphoria and (ii) that they have been treated for a minimum of two years in order to change their gender in the Civil Registry. Currently, the only requirement is the will of the person.

Prohibition of conversion therapies. The practice of aversion, conversion or counter-conditioning methods, programmes and therapies, in any form, aimed at modifying the sexual orientation, identity or gender expression of an individual, regardless of whether there is consent of the person or their legal representative has been prohibited.

State strategy for equal treatment and non-discrimination of LGBTI individuals. This strategy aims to address multiple discrimination against the diversity community. Four-year strategies will be in place for the promotion, development and coordination of LGTBI policies. This will be done in coordination with the autonomous communities of Spain.

State strategy for the social inclusion of transsexual people. Measures in the fields of employment, education, health and housing; necessary studies to ascertain the socio-economic, health and psychosocial situation of trans people, and a system of indicators for their adequate monitoring and evaluation are to be incorporated.

Socio-labour insertion of trans people. The new law seeks to promote measures for the inclusion of trans people in the labour market taking into account the specific needs of trans women, as well as to promote anti-discrimination measures in the negotiation of collective agreements[1].

Education. The new law guarantees that there is content on sexual, gender and family diversity at various educational levels. This is not limited to the students but would also include information programmes aimed at their families and the staff of educational centres.

In addition, minor pupils who have changed their name in the Civil Registry have the right to be treated in accordance with their identity and public administrations shall draw up protocols for the care of LGBTI and trans students and against LGBTI-phobia and transphobic bullying.

[1] Collective agreements are binding agreements negotiated between workers' and employers' representatives which establishes working conditions and productivity standards of a relevant sector/industry.

Comprehensive health care for trans people. Health care for trans persons will be carried out following the principles of non-pathologisation, autonomy, informed decision and consent, non-discrimination, comprehensive care, quality, specialisation, proximity and non-segregation. In all cases, their privacy and confidentiality regarding their physical characteristics must be guaranteed, avoiding unnecessary examinations or their exposure without a directly related diagnostic or therapeutic reason.

Rights of intersex people. They have the right to receive comprehensive and adequate attention regarding their health, labour and educational needs, among others, with effective equality of conditions and with non-discrimination with the rest of citizens and to be guaranteed their honour, image and personal and family intimacy, without arbitrary or illegal interference in their privacy.

In terms of health care, it will be carried out in accordance with the principles of non-pathologisation, autonomy, informed decision and consent, non-discrimination, comprehensive care, quality, specialisation, proximity and non-segregation.

Genital modification practices are prohibited for intersex people up to the age of 12 years old, except in cases where it is necessary for medical reasons. In the case of minors over 12 and under 16 years old, this type of practice will only be permitted at the request of the minor if due to his or her age and maturity can give informed consent for its performance.

Right to the filiation of sons and daughters of female and male couples. Male couples when one of the members is a trans man with gestational capacity and also female couples in the same terms that heterosexual couples have been recognised the right of filiation of their descendants. The right of filiation may be matrimonial or non-matrimonial. This Law implements inclusive language and articles of the Spanish Civil Code that contain the terms “father/mother” are modified by the expression “father or non-gestational progenitor” and “mother or gestational progenitor”. This allows female couples and male couples when one of the members has gestational capacity the right of filiation.

For example, until this law was passed, unmarried female couples had to follow adoption proceedings in order for the biological mother's partner to appear as a parent of the child.

Infringement of Law 4/2023. There are infractions for the violation of the principles of equal treatment and non-discrimination on grounds of sexual orientation and identity, gender expression or sex characteristics, which are classified as minor, serious and very serious, depending on the nature of the obligation breached. Minor infractions may be punished with a written warning or a fine from €200 to €2,000, serious infractions with fines from €2,001 to €10,000 and very serious infractions from €10,001 to €150,000.

Conclusion

Law 4/2023 constitutes a significant development in the Spanish legislative framework, addressing different aspects such as education, health and labour regarding LGTBI and trans rights. This law aims to promote equality and non-discrimination by applying different strategies which implementation alongside its development has been proposed through this legislation in order to guarantee the protection of rights and interests for all citizens.

Alberto Perez Cedillo, IAFL Fellow Spain and England,
Immediate Past President, European Chapter

Child custody with pets

by Amparo Arbáizar, IAFL Fellow Spain

Case Law on Pets and Children's Shared Custody in Spain

As I explained in my article "Pets on Family Law in Spain", Spring 2022 Newsletter, the Law 17/2021, of 15 of December amended several articles of the Spanish Civil Code and Law of Civil Procedure to pay regard to the welfare requirements of animals.

Article 94 bis was included in the Civil Code to rule the care of pets on divorce:

"The judicial authority will entrust the care of the pets to one or both spouses, and will determine, where appropriate, the way in which the spouse to whom they have not been entrusted may have them in their company, as well as the distribution of the burdens associated with the care of the animal, taking into account the interest of the family members and the well-being of the animal, regardless of the ownership of the animal and who has been entrusted with its care. This order will be recorded in the corresponding animal identification record."

The Judgement nº 526/2023 of Pontevedra High Court, dated 3rd of November 2023, orders a maintenance obligation of 40.-euros per month for the care of the family pet. This measure was established in the divorce decree in addition to the children's arrangements.

The case is a divorce, in which, among other measures, it was ordered that the pet would be left in the care of the ex-wife and her ex-husband would have to pay her maintenance to support part of the pet's expenses:

"The spouses' pet will be in the care of Ms. Sagrario and the extraordinary and veterinary expenses will be paid in half.

Mr Pablo will contribute to the cost of the animal with the amount of 40 euros per month, payable in the first five days of each month and updateable annually in accordance with the CPI. ".

The ruling also addresses the Spanish Supreme Court case-law (STS nº 257/2013, of 29th April) that children's shared custody must be established, unless it is proved that shared custody would be detrimental to the minor. Shared custody is not *an exceptional measure, but rather on the contrary, it must be considered normal and even desirable, because it allows to be effective the right of the children to relate to both parents, even in crisis situations, whenever it is possible and as long it is.*

Pontevedra High Court ordered that children's arrangements would be regulated through a system of shared custody with weekly exchanges. In addition, provisions were detailed for the Christmas, Easter and summer holidays.

Following the Spanish Supreme Court case-law (STS nº15/2020 of 16th January 16), the High Court reiterates that in the absence of fundamental causes, the application of shared custody will proceed: "There is no cause in the procedure that advises against shared custody, therefore, it must be established. Article 92 of the Civil Code and the Supreme Court case law are violated, since the interest of the affected minors has not been adequately safeguarded in a resolution that has not taken into account the parameters repeatedly established by the Supreme Court for the correct application of the principle of protection of the minor's interest to order sole custody, which in this case will not allow the daughters' right to interact with both parents to be effective."

"On the other hand, as this High Court has already said on numerous previous occasions, the Court does not care so much about the past as much as the present and the future, if the father's involvement was not as intense as the appellant wanted, or considered that it should have been, the opportunity for the father to do so is now, that is, through shared custody."

Amparo Arbáizar, IAFL Fellow Spain

Introduction to European Family Law Conference

by Olalla García Arreciado

Introduction to European Family Law Conference: Thessaloniki, 17 and 18 April 2024

by Olalla García-Arreciado, Young Lawyers' Award Winner 2024

This edition of the 'Introduction to European Family Law Conference', which took place in Thessaloniki on 17 and 18 April, was a resounding success. The conference is a yearly event organised by the IAFL's European Chapter that has seen young lawyers and future and current IAFL Fellows meet in different European cities for the last decade, from Bucharest to Ibiza to Berlin and Milan. This year, almost 100 delegates from 27 jurisdictions met up, hosted by the Aristotle University and local Fellow Dr Konstantinos "Kostas" Rokas, to discuss the fascinating, dynamic challenges we are facing as international family lawyers. We had the privilege of having both the IAFL President, Rachael Kelsey, and the President of the European Chapter, Sandra Verburgt, accompanying us throughout the conference.

The varied Education Programme, organised by Kostas himself and Alice Meier-Bordeau (Vice President of the European Chapter) in record time and with a great number of speakers from often underrepresented jurisdictions (such as the Balkans or the Baltic states), started with the invaluable input of the Secretary of the European Judicial Network (EJN) in Civil and Commercial Matters, who gave a presentation on the new proposal for a EU Regulation on the protection of adults (including the introduction of an EU-wide Certificate of Representation akin to the often misunderstood and misused Certificate of Succession) and the role of the EJN itself, with many practical tips for the practitioner. This was followed by an in-depth discussion of Greece's recently passed legislation on same-sex marriage and its political background, and a comparison with other 'modern families' legislations across Europe on matters such as parenthood, surrogacy and trans rights. The exchanges and conversations continued well into the night as we moved onto the drinks reception and wonderful dinner at Mpakal.

The second day of the conference had a full day of sessions, which started with an update on the most recent case law of the European Court of Human Rights in relation to adoption, separation and placement - a very pertinent topic with the current state of affairs in various regions across the world, and which was followed with great interest by all the attendants (particularly those of us who practice in the UK, with the constant threats of the government to leave the Convention), despite some of us having had only a few hours of sleep! This was followed by a brief overview on the often overlooked rules for service of proceedings and decisions, and an animated session on nuptial agreements in various jurisdictions - an ever popular topic.

The conference ended with a moving session on cross-border families in troubled times, with a particular emphasis on the international movement of children and whether they should be returned to their habitual residence in times of war, where we could hear from practitioners in the "front line" of some of these troubled regions, like Ed Freeman from Israel and Oksana Voinarovska from Ukraine. After this, I was honoured to be able to present the paper with which I won the Young Lawyers' Award this year, involving a case study on enforcement and modification of decisions across jurisdictions, after which Sandra Verburgt officially closed the conference. Some of the attendants were able to have dinner again that night at Oinohoos as a last goodbye, and some of us were lucky enough to spend the weekend exploring beautiful Thessaloniki.

It was a very enjoyable experience full of exchanges and connections for all involved, on a professional and on a personal level. Thank you to the IAFL and its European Chapter for continuing to support and encourage young international family lawyers across Europe to develop their expertise and link with colleagues around the world. We are all looking forward to the next one!

Olalla García-Arreciado, Young Lawyers' Award Winner 2024

European Chapter's 35th Anniversary celebration – Minutes from the Archive

by Miles Preston

THE EUROPEAN CHAPTER OF THE INTERNATIONAL ACADEMY OF MATRIMONIAL LAWYERS

MINUTES OF THE FIRST ANNUAL GENERAL MEETING HELD AT THE WINTERGARTEN,

THE RAMADA PARK HOTEL, MUNICH, WEST GERMANY ON FRIDAY, 27TH APRIL, 1990, AT 2 P.M.

PRESENT:

Miles Preston, President - London
Wolfgang Vomberg - Frankfurt
Jeremy Levison - England
Claes Renstrom - Sweden
Katharina Jank-Domdey - Dusseldorf
Andrew Gerry - England
Hans-Jakob Hug - Baden
Rolf Steinegger - Berne
Werner Martens - Munich
Anne Dunne - Dublin
Ulricher Berger - Bonn
Barbara Gunther - Dusseldorf
Michael Pallauf - Salzburg
Justin McCarthy - Dublin
Antonina Anzaldi - Rome
Georgio Vasi - Rome
Georgio Padovani - Rome
Margaret Bennett - London
Peter Grose-Hodge, Secretary – London

1. The Minutes of the Inaugural Meeting held on Saturday, 22nd April, 1989, in Paris, having been circulated previously were read and approved.
Claes Renstrom suggested that there should be added to the list of countries which could properly be included in the European Chapter, the Baltic States and

East Germany. Perhaps also Lithuania. After discussion it was ruled that the Minutes correctly recorded the decision that had been taken at the time, though it was accepted, as indeed the Minutes state, that the list set out in Clause 4 of the Minutes was not exclusive, and further countries could be added at a later date if thought appropriate. However, it was not necessary for every Fellow of the Academy to be in a Chapter and it was thought more appropriate for the decision as to whether or not another country was to be included in the European Chapter to await the election of some Fellows from that country.

The Minutes were thereupon approved.

2. The Secretary presented the Accounts for the English Chapter of the International Academy for the period from 1st August, 1988, to 22nd April, 1989. It was explained that it was necessary for this Chapter to approve the Accounts of the English Chapter because the final balance on such Accounts would constitute the opening balance of the Accounts of the European Chapter, and once the presented Accounts were approved the first year's Accounts of the European Chapter could be concluded quickly. The Accounts were thereupon approved. The Secretary said that he would now conclude the first year's Accounts of the European Chapter and circulate such for approval in due course.

3. The Secretary/Treasurer reported that there were still about a dozen overdue subscriptions, but a number of these related to persons whose names had been suggested for Membership at the last Annual General Meeting of the International Academy, but who had not yet been formally elected to the European Chapter, and whose subscriptions could therefore not strictly be said to be in arrear. It was reported to the meeting that the President of the International Academy had at another meeting agreed that he would be writing to all prospective new Members within the next week or two, so subscriptions from those persons could reasonably be expected shortly. It was agreed that the Secretary/Treasurer would make one last approach to all those who were existing Members, but whose subscriptions were in arrear to try to obtain the outstanding subscriptions, but that if he was unsuccessful in doing so, then the President would write to each one to say that in default of the prompt payment of their subscription, their name would be deleted from Membership of the European Chapter, and thus of the Academy.

It was proposed by Andrew Gerry and seconded by Werner Martens that the financial year of the European Chapter from 22nd April to the calendar year, should be changed and therefore a new subscription should now be set for the period from 22nd April, 1990, to 31st December, 1991. After discussion the motion was carried nem. con., and the subscription for such period was fixed at £75.
It was proposed and agreed that demands for such subscription would be sent out about a fortnight before the September meeting in Dublin, with the 1990 Accounts.

4. The Secretary/Treasurer explained that the President was holding office by virtue of the resolution passed at the Inaugural Meeting, the Minutes of which had just been passed, so the election of a President should be made formally at this meeting. In addition, as he was now President Elect of the International Academy and anticipated assuming the Presidency in September, it was only sensible that he should relinquish the office of Secretary/Treasurer some time between now and September so that the incoming Secretary/Treasurer would have an opportunity of taking over in advance of the Dublin Meeting.
It was argued that it was somewhat premature to elect a formal President and Officers when the European Chapter did not even have a formal constitution. There was discussion as to whether such was necessary. It was accepted that although the American Members of the Academy were happier with more formal arrangements at meetings and in committee, the European Chapter preferred to deal with all its business in a more informal manner. There was some argument that no constitution was necessary, but it was accepted that at least a minimal constitution must be adopted, if only to settle what Officers shall run the Chapter, how long they will hold office, and how their successors will be elected. Furthermore, such technicalities as the opening of bank accounts, etc., must be complied with. It was therefore agreed that a short constitution would be required, and that a draft should be prepared by a small committee chaired by Andrew Gerry and comprising himself, the President, and the Secretary. The draft of such will be circulated for approval at the Dublin Meeting. A motion to this effect was proposed by Anne Dunne and seconded by Claes Renstrom and approved nem. con.
Margaret Bennet then proposed that Jeremy Levison should be the new Secretary and that the office of Treasurer should remain combined with that of Secretary. Such motion was seconded by Georgie Padovani, and passed nem. con.

Peter Grose-Hodge then proposed that Miles Preston should be confirmed in his Presidency until the next Annual General Meeting and such motion was seconded by several members and appropred nem. con.

5, The President then reported in general terms to the meeting.
The President reported that the meeting of the Executive Committee at which the inception of the European Chapter as an immediate rather than a probationary Chapter had been accepted by the Executive Committee, He then reported on the successful meeting in Rome, which had been enjoyed by all participants.

He then reported on the Dublin Meeting and the need to encourage more members of the European Chapter to attend, For that purpose it was agreed that the organisers of the Dublin Meeting would find time to have a short Meeting of the European Chapter so long as it did not conflict with the business of the International Academy during that meeting, Details of this will be circulated to European Chapter Members with the Notice of the Dublin Meeting. It was confirmed that Anne Dunne was organising the Dublin Meeting, including the educational content, and that rather than needing more help than she had had so far, she could in fact do with rather less.
The President then turned to the question of recruitment. He pointed out that Finland and Iceland were still unrepresented, and there was only one member from Scotland. However there were prospects of recruiting more Members in Scotland. There was also no-one from Holland, Belgium or the Netherlands. He asked Members to consider whether they knew of potential fellows, and to suggest such to him, bearing in mind that the most important aspect of recruits is that they should meet the admittedly exacting standards of admission into the International Academy.
The meeting then considered the venue for the next Annual General Meeting, scheduled to take place in April 1991.
There were suggestions that this should take place in Budapest, Spain, or Switzerland, and that it should take place during the last weekend of April, 26th - 28th 1991. However, after discussion it was agreed that the success of this Meeting in Munich was almost entirely due to the unstinting efforts of Werner Martens in organising it, and this showed that it was best to have a meeting in a country where there were already Members of the European Chapter who could organise such, without the tremendous expense that seemed to be concomitant with Meetings of the International Chapter. It was therefore agreed that the 1991 Meeting would be in Switzerland, and Rolf Steinegger kindly volunteered to chair a

committee of Swiss Members to organise such Meeting. It was agreed that he would prepare a report and suggestions as to the best venue for the meeting, bearing in mind that the Academy had already met in Berne, and he would suggest an educational programme and extra curricula activities for Members and their wives. He would prepare his report and sent it to the Secretary within the next two months so that final proposals could be put to the meeting to be held in September.

The President said that it was a pity that many countries in the initial list in the Minutes just passed were so far unrepresented. Claes Renstrom thought that there were many contries which should be added to the list, including the three Baltic republics. It was not accepted universally by the meeting that all such countries could properly become part of a European Chapter or that they had Lawyers who would measure up to the Academy's requirements, or that they had legal systems which would provide the sort of redress that Members from European countries were accustomed to expecting. Claes Renstrom argued that there were many lawyers in those countries who would like to be Fellows, even though few would qualify as specialists. He pointed out that it was not very easy for such lawyers to achieve the necessary standards. It was pointed out in reply that there were many people in England and America who were far more qualified to join the Academy, but who had not yet been able to do so, and therefore might feel that if lawyers from other countries with lesser qualifications were being admitted it was discriminatory not to allow them to be admitted. After discussion the meeting agreed that representatives of new countries would be very welcome, but by far the most important aspect of recruitment was that the quality of Members must be maintained. Furthermore, it was perhaps not helpful to discuss admissions in purely academic terms, and the time for discussion was when we had an applicant from any country, whether a new country or not.

It was further suggested that if any Fellow wanted to introduce a prospective candidate to this Chapter, one suitable way of doing so would be to bring him as a guest to one of the Chapter Meetings so that he could meet existing Fellows.

M Preston