

Subsidiary Legislation made under s.73.

## **Recognition of Protection Measures Regulations 2015**

**LN.2015/002**

*Commencement*                      **11.1.2015**

**Implementing:**

Regulation (EU) No 606/2013

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### **ARRANGEMENT OF REGULATIONS**

Regulation

1. Title and commencement.
2. Scope.
3. Interpretation.
4. Supreme Court to have jurisdiction.
5. Enforcement of incoming protection measures.
6. Application of Civil Procedure Rules.

**1960-02**

Supreme Court

**2015/002 Recognition of Protection Measures Regulations 2015**

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*This version is out of date*

*In exercise of the powers conferred upon it by section 73 of the Supreme Court Act as read with section 23(g)(i) of the Interpretation and General Clauses Act, and for the purpose of implementing Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, the Government has made the following Regulations–*

**Title and commencement.**

1. These Regulations may be cited as the Recognition of Protection Measures Regulations 2015 and come into operation on 11 January 2015.

**Scope.**

2. These Regulations do not apply to Denmark.

**Interpretation.**

3. In these Regulations–

“Article” is a reference to an Article of the Regulation;

“Civil Procedure Rules” has the meaning assigned to it by section 38A of the Supreme Court Act;

“Family Judge” has the meaning assigned to it in section 12A of the Supreme Court Act;

“family proceedings” has the meaning assigned to it by section 25 of the Children Act 2009, and in the context of proceedings instituted in a Member State means a reference to proceedings that are similar in nature to those described in section 25 of that Act;

“incoming protection measure” means a protection measure that has been ordered in a Member State;

“Member State” means a Member State of the European Union except Denmark;

“protection measure” has the meaning given by Article 3;

“Regulation” means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, as the same may be amended from time to time.

**Supreme Court to have jurisdiction.**

4.(1) The Supreme Court shall have jurisdiction for the purposes of—

- (a) enforcement of an incoming protection measure under Article 4;
- (b) adjustment of a factual element of an incoming protection measure under Article 11;
- (c) refusal of recognition or enforcement of an incoming protection measure under Article 13; and
- (d) suspension or withdrawal of the effects of recognition or enforcement under Article 14(2).

(2) The Family Judge shall hear any matter concerning protection measures which are made in or which are connected to or otherwise arise out of family proceedings, unless it would be impracticable, whether by reason of urgency or otherwise, for the Family Judge to hear that matter.

**Enforcement of incoming protection measures.**

5. For the purposes of the enforcement of an incoming protection measure by the Supreme Court—

- (a) the incoming protection measure has the same force and effect;
- (b) the Supreme Court has the same powers; and
- (c) proceedings for or with respect to enforcement may be taken,

as if the incoming protection measure were a protection measure ordered by the Supreme Court.

**Application of Civil Procedure Rules.**

6. The provisions of rule 74 of the Civil Procedure Rules which implement the Regulation apply—

- (a) to Family Proceedings to the same extent as they apply to civil proceedings, subject to such modifications as circumstances require;

**1960-02**

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- (b) save that the reference to an “outgoing protection measure” in rule 74.34(f)(i) shall be deemed to be a reference to any of the following–
  - (i) an injunction issued for the purpose mentioned in section 93(3)(a).
  - (ii) an injunction under section 3(a), (b) or (c) of the Domestic Violence and Matrimonial Proceedings Act, 1998,
  - (iii) an order under section 45 of the Matrimonial Causes Act.