

SCHEDULE 1

Paragraph 2(7)

Form 106.2

**Rule 106.2**

APPLICATION FOR A CERTIFICATE UNDER ARTICLE 5 OF REGULATION  
(EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF  
PROTECTION MEASURES IN CIVIL MATTERS

1. The applicant is the pursuer [*or defender*] in the action by [A.B.] (*name*) against [C.D.] (*name*).
2. The applicant's date of birth is (*insert date of birth*).
3. The applicant's place of birth is (*insert place of birth*).
4. The address of the applicant to be used for notification purposes is (*insert address – the address given, which may be disclosed to the person against whom the protection measures was granted, must be an address to which any notification to the applicant can be sent*).
5. The application relates to an order granted on (*insert date of order granting protection measure*) in which (*insert name of person against whom protection measure was granted*) was prohibited from (*insert short description of prohibitions imposed*).
6. The date of birth of the person against whom the order was granted is (*insert date of birth or "not known"*).
7. The place of birth of the person against whom the order was granted is (*insert place of birth or "not known"*).
8. The address of the person against whom the order was granted is (*insert address or "not known"*).
9. The applicant asks the court to issue a certificate pursuant to Article 5(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters in relation to the order referred to in paragraph 5.

Date (*insert date*)

(*Signed*)

[A.B. *or* C.D.]

[*or* Solicitor for Applicant]

(*add designation and business address*)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 106.5–A

### Rule 106.5(2)(a)

#### NOTICE OF ISSUE OF CERTIFICATE UNDER ARTICLE 5 OF REGULATION (EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Date: *(insert date of posting or other method of intimation)*

To: *(insert name and address of person causing the risk)*

#### TAKE NOTICE

A certificate has been issued to *(insert name of party to whom certificate was issued)* in accordance with Article 5(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters. The certificate relates to an order granted by the court on *(insert date of interlocutor containing protection measure)*. A copy of the certificate and a copy of the order accompany this notice.

As a result of the issue of the certificate, *(insert name of person to whom certificate was issued)* can invoke the order in other Member States of the European Union.

If you consider that the certificate was wrongly issued, or that the certificate does not accurately reflect the terms of the order, you can apply to have the certificate withdrawn, or for the issue of a rectified certificate, by lodging an application in Form 106.7 at the Office of Court, Court of Session, 11 Parliament Square, Edinburgh, EH1 1RQ.

*(Signed)*

Deputy Principal Clerk of Session

## Form 106.5–B

### Rule 106.5(4)

#### NOTICE FOR WALLS OF COURT OF ISSUE OF CERTIFICATE UNDER ARTICLE 5 OF REGULATION (EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Date: *(insert date)*

To: *(insert name of person causing the risk)*

#### TAKE NOTICE

A certificate has been issued to *(insert name of party to whom certificate was issued)* in accordance with Article 5(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters. The certificate relates to an order granted by the court on *(insert date of interlocutor containing protection measure)* against *(insert name of person causing the risk)*, whose last known address was *(insert last known address of person causing the risk)*.

As a result of the issue of the certificate, *(insert name of person to whom certificate was issued)* can invoke the order in other Member States of the European Union.

If *(insert name of person causing the risk)* wishes to obtain a copy of the certificate and the order, that person should immediately contact the Deputy Principal Clerk of Session at the Court of Session, 11 Parliament Square, Edinburgh, EH1 1RQ (telephone (0131) 225 2595).

If *(insert name of person causing the risk)* considers that the certificate was wrongly issued, or that the certificate does not accurately reflect the terms of the order, that person can apply to have the certificate withdrawn, or for the issue of a rectified certificate, by lodging an application in Form 106.7 at the Office of Court, Court of Session, 11 Parliament Square, Edinburgh, EH1 1RQ.

*(Signed)*

Deputy Principal Clerk of Session

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## Form 106.7

### Rule 106.7(1)

#### APPLICATION FOR RECTIFICATION OR WITHDRAWAL OF A CERTIFICATE ISSUED UNDER ARTICLE 5 OF REGULATION (EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

1. The applicant is the defender [*or* pursuer] in the action by [A.B.] (*design*) against [C.D.] (*design*).
  2. On the application of the pursuer [*or* defender] the Court has issued a certificate in accordance with Article 5(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters.
  3. The certificate relates to an order granted by the court on (*insert date of interlocutor containing protection measure*).
  4. The applicant considers that the certificate does not accurately reflect the terms of the order because: (*here specify nature of discrepancy*).
- [*or* 4. The applicant considers that the certificate was wrongly issued because: (*here specify the reason the certificate was wrongly issued*).]
5. The applicant asks the court to issue a rectified certificate [*or* to withdraw the certificate].

Date (*insert date*)

(*Signed*)

[A.B. *or* C.D.]

[*or* Solicitor for Applicant]

(*add designation and business address*)

## Form 106.10–A

### **Rule 106.10(5)(a)**

#### NOTICE OF ADJUSTMENT OF A PROTECTION MEASURE UNDER ARTICLE 11 OF REGULATION (EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Date: *(date of posting or other method of intimation)*

To: *(name and designation of party to whom notice is to be given)*

#### TAKE NOTICE

This notice relates to a protection measure ordered by *(insert name of issuing authority in Member State of origin)* in respect of which *(insert name of protected person)* is the protected person and you are the person causing the risk.

You are hereby given notice that, in exercise of the power conferred by Article 11(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters, the Court of Session has adjusted the factual elements of the protection measure. A copy of the order adjusting the protection measure accompanies this notice.

As a result of the adjustment, the protection measure falls to be recognised and enforced in the United Kingdom subject to the adjustment.

If you consider that the order adjusting the protection measure was wrongly granted, you have the right to appeal. If you are considering appealing, you are advised to consult a solicitor who will be able to give advice.

*(Signed)*

Deputy Principal Clerk of Session

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## Form 106.10–B

### Rule 106.10(7)

#### NOTICE FOR WALLS OF COURT OF A PROTECTION MEASURE UNDER ARTICLE 5 OF REGULATION (EU) NO. 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12TH JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS

Date: *(insert date)*

To: *(insert name of person causing the risk)*

#### TAKE NOTICE

This notice relates to a protection measure ordered by *(insert name of issuing authority in Member State of origin)* in respect of which *(insert name of protected person)* is the protected person and *(insert name of person causing the risk)* is the person causing the risk. That person's last known address is *(insert last known address of person causing the risk)*.

*(Insert name of person causing the risk)* is hereby given notice that, in exercise of the power conferred by Article 11(1) of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters, the Court of Session has adjusted the factual elements of the protection measure.

As a result of the adjustment, the protection measure falls to be recognised and enforced in the United Kingdom subject to the adjustment.

If *(insert name of person causing the risk)* wishes to obtain a copy of the order adjusting the protection measure, that person should immediately contact the Deputy Principal Clerk of Session at the Court of Session, 11 Parliament Square, Edinburgh, EH1 1RQ (telephone (0131) 225 2595).

If *(insert name of person causing the risk)* considers that the order adjusting the protection measure was wrongly granted, that person has the right to appeal. If that person is considering appealing, that person is advised to consult a solicitor who will be able to give advice.

*(Signed)*

Deputy Principal Clerk of Session

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## Form 106.11

### Rule 106.11(7)

#### FORM OF CERTIFICATE OF DELIVERY OF DOCUMENTS TO CHIEF CONSTABLE

*(insert place and date)* I, \_\_\_\_\_ hereby certify that upon the  
day of \_\_\_\_\_ I duly delivered to the chief constable of the Police Service of Scotland  
*(insert details of documents delivered)*. This I did by *(state method of delivery)*.

(Signed)

*(insert name and designation of person  
delivering documents)*

## Form 106.12

### Rule 106.12(5)

#### FORM OF CERTIFICATE OF SENDING OF DOCUMENTS TO CHIEF CONSTABLE

*(insert place and date)* I, \_\_\_\_\_ hereby certify that upon the  
day of \_\_\_\_\_ I duly sent to the chief constable of the Police Service of Scotland  
*(insert details of documents sent)*. This I did by *(state method of delivery)*.

(Signed)

*(insert name and designation of person sending  
documents)*