
STATUTORY INSTRUMENTS

2018 No. 1257

**EXITING THE EUROPEAN UNION
CIVIL PROCEEDINGS
EVIDENCE
FAMILY PROCEEDINGS**

The Service of Documents and Taking of Evidence
in Civil and Commercial Matters (Revocation and
Saving Provisions) (EU Exit) Regulations 2018

Sift requirements satisfied *13th November 2018*
Made - - - - *28th November 2018*
Laid before Parliament *30th November 2018*
Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{M1}.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Marginal Citations

M1 [2018 c. 16.](#)

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018 and come into force on exit day.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018. (See end of Document for details)

Commencement Information

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PART 2

Service of Documents in Civil and Commercial Matters

Chapter 1

Interpretation

Interpretation of Part 2

2. In this Part—

“the 2001 Regulations” means the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Regulations 2001 ^{M2};

“the 2008 Regulations” means the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Amendment Regulations 2008 ^{M3};

“the Agreement” means the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters ^{M4},

“Regulation (EC) No 1393/2007” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters and repealing Council Regulation (EC) No. 1348/2000;

F1
...

F1
...

- F1** Words in reg. 2 omitted (31.12.2020 immediately before IP completion day) by virtue of The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 2(2)

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Marginal Citations

- M2** S.S.I. 2001/172, amended by S.S.I. 2008/372.
M3 S.S.I. 2008/372.
M4 OJ No L 300, 17.11.2005, p.55.

Chapter 2

Revocations

Revocation of the 2001 Regulations

3. The 2001 Regulations are revoked.

Commencement Information

- I3** [Reg. 3](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Revocation of the 2008 Regulations

4. The 2008 Regulations are revoked.

Commencement Information

- I4** [Reg. 4](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Revocation of Council Decision [2005/794/EC](#)

5. Council Decision [\(EC\) 2005/794](#) of 20 September 2005, on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters, is revoked.

Commencement Information

- I5** [Reg. 5](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Revocation of Council Decision [2006/326/EC](#)

6. Council Decision [\(EC\) 2006/326](#) of 27 April 2006, concerning the conclusion of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters, is revoked.

Commencement Information

- I6** [Reg. 6](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Revocation of Regulation [\(EC\) 1393/2007](#)

7. Regulation [\(EC\) No 1393/2007](#) is revoked.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018. (See end of Document for details)

Commencement Information

I7 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Chapter 2

Savings

[F2]Saving relating to the service of judicial and extrajudicial documents: application of Article 68 of the withdrawal agreement

8.—(1) Nothing in this Part affects the application of paragraph (a) of Article 68 of the withdrawal agreement.

(2) The 2001 Regulations continue to have effect for the purposes of that paragraph as if they had not been revoked by regulation 3 of these Regulations.

(3) Regulation (EC) 1393/2007 continues to have effect for the purposes of that paragraph.]

F2 Reg. 8 substituted for regs. 8, 9 (31.12.2020 immediately before IP completion day) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 2(3)

Commencement Information

I8 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Saving: Regulation (EC) No 1393/2007 - judicial and extrajudicial documents received in the United Kingdom before exit day

[F2]9.

F2 Reg. 8 substituted for regs. 8, 9 (31.12.2020 immediately before IP completion day) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 2(3)

Chapter 3

The Agreement - cessation, and saving, of rights etc.

The Agreement: cessation, and saving, of rights etc.

10.—(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which are derived from the Agreement and continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

[F3(2) Nothing in this regulation affects the application of paragraph (3) of Article 69 of the withdrawal agreement and any rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from the Agreement continue to be recognised and available for the purposes of that paragraph.]

F3 Reg. 10(2) substituted (31.12.2020 immediately before IP completion day) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 2(4)

Commencement Information

I9 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PART 3

Taking of Evidence in Civil and Commercial Matters

Interpretation of Part 3

11. In this Part “Regulation (EC) No 1206/2001” means Regulation (EC) No 1206/2001 of the Council of the European Union on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

Commencement Information

I10 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Revocation of Regulation (EC) 1206/2001

12. Regulation (EC) No 1206/2001 is revoked.

Commencement Information

I11 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

[^{F4}Saving relating to requests received before IP completion day: application of Article 68 of the withdrawal agreement

13. Nothing in this Part affects the application of paragraph (b) of Article 68 of the withdrawal agreement and Regulation (EC) No 1206/2001 continues to have effect for the purposes of that paragraph.]

F4 Reg. 13 substituted (31.12.2020 immediately before IP completion day) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), 2(5)

Commencement Information

I12 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018. (See end of Document for details)

Signed by authority of the Secretary of State for Justice.

Ministry of Justice

Lucy Frazer
Parliamentary Under Secretary of State,

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018*. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of cross-border judicial cooperation regarding the service of documents and the taking of evidence in civil and commercial matters.

Part 2 relates to the cross-border service of documents. It revokes Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in Member States of judicial and extrajudicial documents in civil or commercial matters (the Service Regulation). It also revokes two Scottish Statutory Instruments and provides for the cessation of any rights, powers, liabilities, obligations, restrictions, remedies and procedures which are derived from the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters (the Agreement). Part 2 then saves the substantive Scottish Statutory Instrument and the rights, etc. deriving from the Agreement, and saves and modifies the Service Regulation for application to documents that were received by certain United Kingdom bodies before exit day for service in the United Kingdom.

Part 3 relates to the cross-border taking of evidence. It revokes Regulation (EC) No. 1206/2001 of the Council of the European Union on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (the Evidence Regulation). It then saves and modifies the Evidence Regulation for application to requests received by certain United Kingdom bodies before exit day in the United Kingdom.

A full impact assessment has not been published for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018.