
STATUTORY INSTRUMENTS

2018 No. 1257

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

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⁽¹⁾;

“the 2008 Regulations” means the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Amendment Regulations 2008⁽²⁾;

“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⁽³⁾;

“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;

“central body” means a central body designated as such by the United Kingdom before exit day for the purposes of Article 3 of Regulation (EC) No 1393/2007 (central body);

“receiving agency” means the public officers, authorities, or other persons designated by the United Kingdom before exit day as being competent for the receipt of judicial or extrajudicial documents from member States for the purposes of Article 2(2) of Regulation (EC) No 1393/2007 (receiving agencies).

Chapter 2

Revocations

Revocation of the 2001 Regulations

3. The 2001 Regulations are revoked.

(1) S.S.I. 2001/172, amended by S.S.I. 2008/372.

(2) S.S.I. 2008/372.

(3) OJ No L 300, 17.11.2005, p.55.

Revocation of the 2008 Regulations

4. The 2008 Regulations are revoked.

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.

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.

Revocation of Regulation (EC) 1393/2007

7. Regulation (EC) No 1393/2007 is revoked.

Chapter 2

Savings

Saving: the 2001 Regulations - judicial and extrajudicial documents received in the United Kingdom before exit day

8. The 2001 Regulations continue to apply in relation to judicial and extrajudicial documents which were received in the United Kingdom before exit day for the purposes of service there by one of the following—

- (a) a receiving agency;
- (b) a central body;
- (c) diplomatic or consular agents as referred to in Article 13 of Regulation (EC) No 1393/2007 (service by diplomatic or consular agents);
- (d) an addressee where the documents have been sent directly to that person by postal services as referred to in Article 14 of Regulation (EC) No 1393/2007 (service by postal services);
or
- (e) judicial officers, officials or other competent persons of the United Kingdom, as referred to in Article 15 of Regulation (EC) No 1393/2007 (direct service).

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

9.—(1) Regulation (EC) No 1393/2007 continues to apply with the modifications set out in paragraph (2) in relation to judicial and extrajudicial documents which were received in the United Kingdom before exit day for the purposes of service there by one of the following—

- (a) a receiving agency;
- (b) a central body;
- (c) diplomatic or consular agents as referred to in Article 13 of that Regulation (service by diplomatic or consular agents);
- (d) an addressee where the documents have been sent directly to that person by postal services as referred to in Article 14 of that Regulation (service by postal services); or

- (e) judicial officers, officials or other competent persons of the United Kingdom, as referred to in Article 15 of that Regulation (direct service).
- (2) Those modifications are that Regulation (EC) No 1393/2007 must be read as if—
 - (a) the term “Member State” included the United Kingdom;
 - (b) Article 2(4) (provision of information to the Commission about receiving agencies) were omitted;
 - (c) Article 17 (implementing rules) were omitted;
 - (d) Article 18 (committee) were omitted;
 - (e) Article 20(2) and (3) (relationship with agreements or arrangements to which Member States are party) were omitted;
 - (f) Article 21 (legal aid) were omitted;
 - (g) Article 22(4) (protection of information transmitted) were omitted;
 - (h) Article 23 (communication and publication) were omitted;
 - (i) Article 24 (review) were omitted.

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).

(2) Any such rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from the Agreement continue to be recognised and available, as if the United Kingdom remained a State bound by the Agreement on and after exit day, in relation to judicial and extrajudicial documents which were received in the United Kingdom before exit day for the purposes of service there by one of the bodies referred to in sub-paragraphs (a) to (e) of regulation 9(1) of these Regulations.