

STATUTORY INSTRUMENTS

2019 No. 521

**EXITING THE EUROPEAN UNION
SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURT, ENGLAND AND WALES**

The Civil Procedure Rules 1998
(Amendment) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	<i>26th February 2019</i>
<i>Made - - - -</i>	<i>7th March 2019</i>
<i>Laid before Parliament</i>	<i>8th March 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 ^{M1} (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of that Act.

Marginal Citations

M1 2018 c. 16.

Citation, commencement, extent and interpretation

1.—(1) — These Regulations may be cited as the Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(2) These Regulations extend to England and Wales.

(3) A reference in these Regulations to a rule or Part by number alone is a reference to the rule or Part so numbered in the Civil Procedure Rules 1998 ^{M2}.

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(1)

Marginal Citations

M2 [S.I. 1998/3132](#).

Amendment of the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended as set out in regulations 3 to 16.

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\(1\)](#)

Amendment of Part 5

- 3.—(1) Part 5 (court documents) ^{M3} is amended as follows.
- (2) In rule 5.4C—
- (a) in paragraph (1)(b), omit “, subject to paragraph (1B)”;
 - (b) omit paragraph (1B).

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\(1\)](#)

Marginal Citations

M3 Relevant amendments were made to Part 5 by [S.I. 2011/88](#).

Amendment of Part 6

- 4.—(1) — Part 6 (service of documents) ^{M4} is amended as follows.
- (2) In the table of contents for the Part—
- (a) in the entry for the heading for Section II of the Part, omit “OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA”;
 - (b) in the entry for rule 6.7, omit—
 - (i) “or European Lawyer”; and
 - (ii) “or in any other EEA state”;
 - (c) in the entry for the heading for Section III of the Part, omit “OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA”; and
 - (d) omit the entry for rule 6.41.
- (3) In rule 6.2, omit paragraph (e) and the words in parentheses which follow it.
- (4) In the heading for Section II of the Part, omit “OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA”.
- (5) In rule 6.3, in paragraph (1), omit “(subject to Section IV of the Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties)”.

(6) In rule 6.4, in paragraph (1), for “Subject to Section IV of the Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, the”, substitute “The”.

(7) In rule 6.6—

- (a) in paragraph (1), omit “, 6.7(3)”; and
- (b) in paragraph (2), omit “or its equivalent in any EEA state (if applicable)”.

(8) In rule 6.7—

- (a) in the heading, omit—
 - (i) “or European Lawyer”; and
 - (ii) “or in any other EEA state”;
- (b) in paragraph (2)—
 - (i) omit “or EEA state other than the United Kingdom”; and
 - (ii) omit sub-paragraphs (b) and (c); and
- (c) omit paragraph (3) and the first set of words in parentheses following it.

(9) In rule 6.8—

- (a) in the opening words, omit “and the provisions of Section IV of this Part”; and
- (b) in paragraph (a), omit “or any other EEA state”.

(10) In rule 6.9, in paragraph (1)(b), omit “or European Lawyer”.

(11) In the heading to Section III of the Part, omit “OR IN SPECIFIED CIRCUMSTANCES WITHIN THE EEA”.

(12) In rule 6.20, in paragraph (1), for “Subject to Section IV of the Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”, substitute “A”.

(13) In rule 6.21, in paragraph (1), for “Subject to Section IV of the Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”, substitute “A”.

(14) In rule 6.23—

- (a) in paragraph (1), omit “or its equivalent in any EEA state (if applicable)”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), omit “either” and “or any other EEA state”;
 - (ii) omit sub-paragraph (b); and
 - (iii) in sub-paragraph (c)—
 - (aa) omit “or no European Lawyer nominated to accept service of documents”;
 - (bb) at the end of paragraph (i) omit “or”; and
 - (cc) omit paragraph (ii); and
- (c) in paragraph (3), omit “, (b)”.

(15) In rule 6.31—

- (a) in paragraph (c), for “the Brussels and Lugano Conventions (as defined in section 1(1) of the 1982 Act) and any other” substitute “any”;
- (b) omit paragraph (d) and the words in parentheses following it;
- (c) omit paragraph (e); and
- (d) omit paragraphs (g) to (j).

- (16) In rule 6.33—
- (a) omit paragraph (1);
 - (b) in paragraph (2)—
 - (i) for “under the Judgments Regulation” substitute “ under sections 15A to 15E of the 1982 Act ”;
 - (ii) in sub-paragraph (a)—
 - (aa) omit “subject to paragraph (2A); and
 - (bb) omit “or any other Member State”;
 - (iii) in sub-paragraph (b)—
 - (aa) omit paragraph (i);
 - (bb) in paragraph (ii), for “article 17 of the Judgments Regulation” substitute “ section 15B(1) of the 1982 Act ”;
 - (cc) at the end of paragraph (ii) insert “ or ”;
 - (dd) in paragraph (iii), for “article 20 of the Judgments Regulation” substitute “ section 15C(1) of the 1982 Act ”; and
 - (ee) omit paragraphs (iv) and (v);
 - (c) omit paragraph (2A); and
 - (d) in paragraph (3), omit “the 1982 Act, the Lugano Convention,” and “, the Judgments Regulation,”.
- (17) In rule 6.35—
- (a) omit paragraphs (3) and (4) (including the cross-heading above each paragraph); and
 - (b) in paragraph (5), omit “in a country not referred to in paragraph (3) or (4)”.
- (18) In rule 6.40, omit paragraph (3)(a)(i).
- (19) Omit rule 6.41.
- (20) In rule 6.45, omit the words in parentheses at the end of the rule.
- (21) In rule 6.48—
- (a) at the end of paragraph (a), omit “but”; and
 - (b) omit paragraph (b).

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\(1\)](#)

Marginal Citations

M4 Relevant amendments were made to Part 6 by [S.I. 2008/2178](#) and [S.I. 2011/88](#).

Amendment of Part 8

- 5.—**(1) Part 8 (alternative procedure for claims) ^{M5} is amended as follows.
- (2) In rule 8.1, omit the second set of words in parentheses at the end of the rule.

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\(1\)](#)

Marginal Citations

M5 Relevant amendments were made to Part 8 by [S.I. 2011/88](#).

Amendment of Part 12

- 6.—(1) — Part 12 (default judgment)^{M6} is amended as follows.
- (2) In rule 12.3, omit the third set of words in parentheses at the end of the rule.
- (3) In rule 12.10, in paragraph (b)—
- (a) in sub-paragraph (i), omit “, 6.33(1), 6.33(2)”; and
 - (b) in sub-paragraph (ii), omit “or in any other Convention territory or Member State”.
- (4) In rule 12.11—
- (a) in paragraph (4)(a), omit —
 - (i) “, the Lugano Convention, the Judgments Regulation”; and
 - (ii) “, 6.33(1), 6.33(2)”; and
 - (b) in paragraph (6), omit sub-paragraphs (a), (b), (e) and (f).

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\(1\)](#)

Marginal Citations

M6 Relevant amendments were made to Part 12 by [S.I. 2008/2178](#).

Amendment of Part 13

- 7.—(1) — Part 13 (setting aside or varying default judgment)^{M7} is amended as follows.
- (2) In rule 13.3, omit the second set of words in parentheses at the end of the rule.

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\(1\)](#)

Marginal Citations

M7 Relevant amendments were made to Part 13 by [S.I. 2008/2178](#).

Amendment of Part 25

- 8.—(1) — Part 25 (interim remedies and security for costs)^{M8} is amended as follows.
- (2) In rule 25.13, in paragraph (2)(a)(ii)—

- (a) omit “a Brussels Contracting State, a State bound by the Lugano Convention,”; and
- (b) omit “or a Regulation State”.

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\(1\)](#)

Marginal Citations

M8 Relevant amendments were made to Part 25 by [S.I. 2002/3219](#), [S.I. 2005/3515](#), [S.I. 2009/3131](#) and [S.I. 2015/1644](#).

Amendment of Part 30

9.—(1) — Part 30 (transfer) ^{M9} is amended as follows.

(2) In rule 30.8, in paragraph (1), for “of—” and sub-paragraphs (a) and (b), substitute “ of Chapter I or II of Part I of the Competition Act 1998 ^{M10} ”.

Commencement Information

I9 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M9 Relevant amendments were made to Part 30 by [S.I. 2003/3361](#) and [S.I. 2004/1306](#).
M10 [1998 c. 41](#).

Amendment of Part 31

10.—(1) Part 31 (disclosure and inspection of documents) ^{M11} is amended as follows.

(2) In rule 31.3—

(a) in paragraph (1)—

- (i) at the end of sub-paragraph (b), insert “ or ”;
- (ii) at the end of sub-paragraph (c), omit “or; and
- (iii) omit sub-paragraph (d); and

(b) omit the third set of words in parentheses at the end of paragraph (1).

(3) In rule 31.12, omit the second set of words in parentheses at the end of the rule.

(4) In rule 31.16 omit the words in parentheses at the end of the rule.

(5) In rule 31.17, omit the words in parentheses at the end of the rule.

Commencement Information

I10 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\(1\)](#)

Marginal Citations

M11 Relevant amendments were made to Part 31 by [S.I. 2011/88](#).

Amendment of Part 32

- 11.**—(1) Part 32 (evidence) ^{M12} is amended as follows.
- (2) In rule 32.7, omit the words in parentheses at the end of the rule.

Commencement Information

I11 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\(1\)](#)

Marginal Citations

M12 Relevant amendments were made to Part 32 by [S.I. 2011/88](#).

Amendment of Part 34

- 12.**—(1) — Part 34 (witnesses, depositions and evidence for foreign courts) ^{M13} is amended as follows.
- (2) In the table of contents, omit the entry for Section III of the Part, including the entries for rules 34.22 to 34.24.
- (3) In rule 34.13, in paragraph (1)—
- (a) at the end of sub-paragraph (a), omit “and”; and
 - (b) omit sub-paragraph (b).
- (4) In rule 34.13A, in paragraph (3), omit the words from “, and rule” to the end.
- (5) In rule 34.16—
- (a) in paragraph (1), omit “, other than an application made as result of a request by a court in another Regulation State”; and
 - (b) in paragraph (2)—
 - (i) at the end of sub-paragraph (a), omit “and”; and
 - (ii) omit sub-paragraph (b).
- (6) Omit Section III of the Part, including rules 34.22 to 34.24.

Commencement Information

I12 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\(1\)](#)

Marginal Citations

M13 Relevant amendments were made to Part 34 by [S.I. 2003/2113](#) and [S.I. 2003/3361](#).

Amendment of Part 63

- 13.**—(1) — Part 63 (intellectual property claims) ^{M14} is amended as follows.
- (2) In rule 63.1(2)(j), omit paragraphs (iv), (v) and (vii).

- (3) Omit rule 63.2(1)(b)(i).
- (4) In rule 63.14(2)—
- (a) in sub-paragraph (a)—
- (i) at the end of paragraph (i) omit “; or”; and
- (ii) omit paragraph (ii); and
- (b) in sub-paragraph (b)—
- (i) at the end of paragraph (i) omit “; or”; and
- (ii) omit paragraph (ii).

Commencement Information

I13 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\(1\)](#)

Marginal Citations

M14 Part 63 was substituted by [S.I. 2009/2178](#), and relevant amendments were made by [S.I. 2013/1974](#).

Revocation of Part 68

14. Part 68 (references to the European Court)^{M15} is revoked.

Commencement Information

I14 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M15 Part 68 was substituted by [S.I. 2013/1974](#).

Amendment of Part 74

15.—(1) — Part 74 (enforcement of judgments in different jurisdictions)^{M16} is amended as follows.

- (2) In the table of contents—
- (a) omit the entries for rules 74.3A, 74.4A, 74.7A, 74.7B, 74.7C and 74.11A;
- (b) omit the entry for Sections IV and V of the Part, including the entries for rules 74.19 to 74.33;
- (c) omit the cross-heading “OUTGOING PROTECTION MEASURES”; and
- (d) omit the entries for rules 74.36 to 74.45.
- (3) In rule 74.1—
- (a) omit paragraphs (4) and (4A);
- (b) in paragraph (4B)—
- (i) omit sub-paragraph (a); and
- (ii) in sub-paragraph (b), omit “the United Kingdom or”; and
- (c) in paragraph (5), omit sub-paragraphs (d) to (f).

- (4) In rule 74.2—
 - (a) in paragraph (1), omit sub-paragraph (b); and
 - (b) omit paragraph (2).
- (5) In rule 74.3, in paragraph (1)—
 - (a) in sub-paragraph (c), for “sections 4 and” substitute “ section ”;
 - (b) at the end of sub-paragraph (c), omit “and”; and
 - (c) omit sub-paragraph (d).
- (6) Omit rule 74.3A.
- (7) In rule 74.4, omit paragraph (6).
- (8) Omit rule 74.4A.
- (9) In rule 74.5—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (b), insert “ and ”;
 - (ii) at the end of sub-paragraph (c), omit “and”; and
 - (iii) omit sub-paragraph (d); and
 - (b) in paragraph (2), omit “or the Lugano Convention or the Judgments Regulation”.
- (10) In rule 74.6, in paragraph (3)(c)(ii), omit “or the Lugano Convention”.
- (11) Omit rules 74.7A, 74.7B and 74.7C.
- (12) In rule 74.8, in paragraph (1), omit “or the Lugano Convention”.
- (13) In rule 74.9—
 - (a) omit paragraph (1);
 - (b) in paragraph (2), for “In relation to a judgment to which the Judgments Regulation does not apply, no” substitute “ No ”; and
 - (c) in paragraph (3), omit “to which the Judgments Regulation does not apply”.
- (14) In rule 74.10, in paragraphs (1) and (2), omit “the 1982 Act, the Lugano Convention and”.
- (15) In rule 74.11—
 - (a) omit “and the Lugano Convention and applications for the refusal of recognition or enforcement or suspension of any judgments under the Judgments Regulation”; and
 - (b) for “of—” and sub-paragraphs (a) and (b), substitute “ of court settlements which are subject to article 12 of the 2005 Hague Convention. ”.
- (16) Omit rule 74.11A.
- (17) In rule 74.12—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (b), insert “ or ”;
 - (ii) at the end of sub-paragraph (c), omit “or”; and
 - (iii) omit sub-paragraph (d); and
 - (b) in paragraph (2), for “County Court—” and sub-paragraphs (a) and (b), substitute “ County Court must apply for a certified copy of the judgment. ”.
- (18) Omit Section IV of the Part, including rules 74.19 to 74.26.
- (19) Omit Section V of the Part, including rules 74.27 to 74.33.
- (20) In rule 74.34, omit sub-paragraphs (a), (b), (d) and (f).

- (21) Before rule 74.36, omit the cross-heading “OUTGOING PROTECTION MEASURES”.
- (22) Omit rules 74.36 to 74.45.

Commencement Information

I15 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M16 Part 74 was inserted by [S.I. 2002/2058](#). Relevant amendments were made by [S.I. 2007/1655](#), [S.I. 2009/3131](#), [S.I. 2014/2948](#), [S.I. 2014/3299](#) and [S.I. 2015/1644](#).

Revocation of Part 78

16. Part 78 (European procedures)^{M17} is revoked.

Commencement Information

I16 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M17 Part 78 was inserted by [S.I. 2008/2178](#). Relevant amendments were made by [S.I. 2011/88](#).

Transitional and saving provision – Part 5

17. In relation to a mediation to which the Cross-Border Mediation (EU Directive) Regulations 2011^{M18} applied before [F¹IP completion day], rule 5.4C continues to apply on and after [F¹IP completion day], in relation to any documents listed in paragraph (1B) of that rule as it stood immediately before [F¹IP completion day], as if the amendments to that rule made by these Regulations had not been made.

F1 Words in reg. 17 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\(1\), 9\(2\)\(a\)](#)

Commencement Information

I17 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M18 [S.I. 2011/1133](#).

Transitional and saving provision – Part 6

- 18.—(1) Where before [F²IP completion day], pursuant to rule 6.7—
- (a) a defendant has given, as the address at which the defendant may be served with the claim form, the business address of a solicitor in an EEA state outside the United Kingdom, or of a European lawyer in any EEA state; or

- (b) a solicitor acting for the defendant has notified the business address of that solicitor in an EEA state outside the United Kingdom, or a European lawyer has notified the address of that European lawyer in any EEA State, as the address at which that solicitor or European lawyer is instructed to accept service of the claim form,

the claim form, if not served before [F²IP completion day], must on or after [F²IP completion day] be served at that address notwithstanding the changes made by these Regulations.

(2) Where before [F²IP completion day], pursuant to rule 6.23, a party to proceedings has given, as the address at which that party may be served with documents relating to those proceedings, the business address in an EEA state outside the United Kingdom of a solicitor acting for that party, or in any EEA State of a European lawyer nominated to accept service of documents—

- (a) that address will continue on and after [F²IP completion day] to be that party's address for service unless and until that party elects to change the address for service; and
- (b) if that party elects on or after [F²IP completion day] to change the address for service, the new address for service may be any address for service permitted by rule 6.23 as in force immediately before [F²IP completion day].

(3) Where before [F²IP completion day] a claim form has been served under rule 6.33 in a country referred to in rule 6.35(3) or (4) (as in force immediately before [F²IP completion day]), the period for filing an acknowledgment of service or defence is the period provided in rule 6.35(3) or (4) (as applicable) as in force immediately before [F²IP completion day].

[F³(3A) Where a claim to which rule 6.33(2) applies is issued before IP completion day but the claim form has not been served by IP completion day, rules 6.33 and 6.35 apply on and after IP completion day in relation to service of the claim form and to the period for responding to the claim form as if the changes made by these Regulations had not been made.]

(4) In this regulation, “EEA state” has the meaning it had for the purposes of Part 6 immediately before [F²IP completion day].

(5) Where before [F²IP completion day] an applicant has filed the documents referred to in rule 6.41(2) but the action required by rule 6.41(3) has not been taken by [F²IP completion day], the court may treat the request for service of the documents in question as a request for service pursuant to rule 6.42(1) or (2) as appropriate.

F2 Words in reg. 18 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), **9(2)(b)**

F3 Reg. 18(3A) inserted (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), **9(3)**

Commencement Information

I18 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Transitional and saving provision – Part 12

19. Where before [F⁴IP completion day] a claim was served out of the jurisdiction without requiring the permission of the court under any of the provisions of rule 6.33, rules 12.10 and 12.11 apply on and after [F⁴IP completion day] in relation to an application for default judgment as if the amendments made to those rules by these Regulations had not been made.

F4 Words in reg. 19 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), [9\(2\)\(c\)](#)

Commencement Information

I19 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Transitional and saving provision – Part 25

20. Where a claim was issued before [^{F5}IP completion day], rule 25.13 (conditions to be satisfied for security for costs) applies on and after [^{F5}IP completion day] in relation to the issue of security for costs for that claim as if the amendments to that rule made by these Regulations had not been made.

F5 Words in reg. 20 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), [9\(2\)\(d\)](#)

Commencement Information

I20 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Transitional and saving provision – Part 30

21. The amendment made to rule 30.8 by these Regulations does not apply in relation to proceedings relating to competition described in paragraph 14(2) of Schedule 4 to the Competition (Amendment etc.) (EU Exit) Regulations 2019 ^{M19}.

Commencement Information

I21 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M19 [S.I. 2019/93](#).

Transitional and saving provision – Part 31

22. In relation to a mediation to which the Cross-Border Mediation (EU Directive) Regulations 2011 ^{M20} applied before [^{F6}IP completion day], rule 31.3 continues to apply on and after [^{F6}IP completion day] as if the amendments to that rule made by these Regulations had not been made.

F6 Words in reg. 22 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), [9\(2\)\(e\)](#)

Commencement Information

I22 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M20 S.I. 2011/1133.

Transitional and saving provision – Part 34

23.—(1) Where regulation 13 of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provision) (EU Exit) Regulations 2018 ^{M21} applies, rules 34.22 and 34.24 continue to apply on and after [F7IP completion day] as if the amendments to those rules made by these Regulations had not been made.

(2) If before [F7IP completion day] a court has made an order for the issue or submission of a request under rule 34.23 but the further action required by that rule has not been taken by [F7IP completion day], the court may treat the order as one for the issue of a letter of request under rule 34.13 and proceed accordingly.

F7 Words in reg. 23 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), [9\(2\)\(f\)](#)

Commencement Information

I23 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M21 S.I. 2018/1257.

Transitional and saving provision – Part 63

24. Where a claim relating to—

- (a) Community registered designs;
- (b) Community plant variety rights; or
- (c) Community trade marks,

is issued before [F8IP completion day] but has not been determined by [F8IP completion day], Part 63 continues to apply on and after [F8IP completion day] in relation to the proceedings on the claim as if the amendments to that Part made by these Regulations had not been made.

F8 Words in reg. 24 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), [9\(2\)\(g\)](#)

Commencement Information

I24 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Transitional and saving provision – Part 68

25. Proceedings which immediately before [F9IP completion day] were stayed in accordance with rule 68.5 continue to be stayed on or after [F9IP completion day] unless or until the court directs otherwise.

F9 Words in reg. 25 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), [9\(2\)\(h\)](#)

Commencement Information

I25 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Transitional and saving provision – Part 74

26.—(1) Where—

(a) a judgment—

(i) was given before [F10IP completion day] by a court of a Contracting State or Regulation State; or

(ii) was given after [F10IP completion day] by such a court in proceedings commenced before that court before [F10IP completion day];

(b) an authentic instrument was before [F10IP completion day] formally drawn up or registered as an authentic instrument in a Contracting State or Regulation State; or

(c) a court settlement was before [F10IP completion day] approved by or concluded before a court of a Contracting State or Regulation State,

Part 74 applies to proceedings concerning recognition and enforcement of that judgment, authentic instrument or court settlement on and after [F10IP completion day] as if the changes made by these Regulations had not been made.

(2) In this regulation, “Contracting State” and “Regulation State” have the meanings given by rule 74.2 (as that rule was in force immediately before [F10IP completion day]).

[F11(3) In relation to any case where paragraph 2(a) of Article 67 of the withdrawal agreement applies, Section II of Part 74 applies on and after IP completion day for the purposes of an application for a certified copy of a judgment as if the changes made by these Regulations had not been made.

(4) In a case to which regulation 1A of the Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019 applies, Section VI of Part 74 applies on and after IP completion day for the purpose of the certificate which was issued before IP completion day as if the changes made by these Regulations had not been made.]

F10 Words in reg. 26 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), [9\(2\)\(i\)](#)

F11 Reg. 26(3)(4) inserted (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), [9\(4\)](#)

Commencement Information

I26 Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

Transitional and saving provision – Part 74 and Part 78

27.—(1) Where in relation to any proceedings the relevant saving provision applies, the relevant rules continue to apply on and after [^{F12}IP completion day] for the purposes of those proceedings as if the amendments made to those rules by these Regulations had not been made.

(2) In this regulation—

- (a) “the relevant saving provision” means [^{F13}regulation 16], of the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 ^{M22} as applicable; and
- (b) “the relevant rules” means Part 78, or Section IV of Part 74, as applicable.

(3) Where an application under rule 78.24 as then in force for a mediation settlement enforcement order was made before [^{F12}IP completion day], rules 78.24 and 78.25 continue to apply on and after [^{F12}IP completion day] for the purposes of that application as if the changes made in relation to those rules by these Regulations had not been made.

(4) In relation to a mediation to which the Cross-Border Mediation (EU Directive) Regulations 2011 ^{M23} applied before [^{F12}IP completion day], rules 78.23 and 78.25 to 78.28 continue to apply on and after [^{F12}IP completion day], so far as relevant in relation to mediation evidence relating to that mediation, as if the changes made in relation to those rules by these Regulations had not been made.

F12 Words in reg. 27 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), **9(2)(j)**

F13 Words in reg. 27(2)(a) 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), **9(5)**

Commencement Information

I27 Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

Marginal Citations

M22 S.I. 2018/1311.

M23 S.I. 2011/1133.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The changes made by these Regulations are consequential on provision made in a number of other statutory instruments made under the 2018 Act. The Civil Procedure Rules 1998 make provision in a number of places to govern the procedure for proceedings under or related to certain EU instruments. Those EU instruments, as retained EU law under the 2018 Act, are being revoked or amended by other Regulations made under the 2018 Act, and it is accordingly necessary in consequence to remove or amend the corresponding provisions in the Rules. Those other Regulations include transitional and saving provisions the effect of which is that in some circumstances the operation of EU legislation which the Civil Procedure Rules supplement is preserved. Therefore these Regulations include transitional and saving provision to preserve the operation of the corresponding provision in the Rules for those purposes.

The amendments made by these Regulations to the Civil Procedure Rules 1998 are as follows:

<i>Part of the Rules</i>	<i>Amendment</i>
Part 5	There is omitted provision cross-referring to provisions in Part 78 which are themselves omitted.
Part 6	There are omitted provisions relating to litigants providing as an address for service the address of a European lawyer in an EEA State (which fall away on Exit); provisions relating to service under the EU Service Regulation (Regulation (EC) No. 1393/2007) (consequential on the revocation of that Regulation by the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provision) EU Exit) Regulations 2018 (S.I. 2018/1257); and provisions relating to jurisdiction under the “Brussels Ia” Regulation (Regulation (EU) No. 1215/2012) (consequential on the revocation of that Regulation and related instruments by the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479).
Part 8	There is omitted a cross-reference to provisions in Part 78 which are themselves omitted.
Part 12	There are omitted references to the EU Service Regulation; references to service of a claim under provisions in Part 6 which are themselves omitted; and provision defining terms for the purposes of provisions which are themselves omitted.
Part 13	There is omitted a reference to the EU Service Regulation.
Part 25	There are omitted references to States which are parties to or bound by the “Brussels Ia” Regulation, the Lugano Convention and the Brussels Convention (consequential on the revocation of that Regulation and related instruments by the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019.

- Part 30 There is omitted a reference to transfer of cases relating to provisions of the EU Treaty, which will no longer be applicable on Exit.
- Part 31 There are omitted cross-references to provisions in Part 78 which are themselves omitted.
- Part 32 There is omitted a cross-reference to provisions in Part 78 which are themselves omitted.
- Part 34 There are omitted provisions governing procedure for requests under the EU Taking of Evidence Regulation (Regulation (EC) No. 1206/2001), and certain cross-references, in consequence of the revocation of the Taking of Evidence Regulation by the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provision) EU Exit) Regulations 2018.
- Part 63 There are omitted references to EU instruments, and registers kept at EU level, which will no longer be applicable on Exit.
- Part 68 Part 68 makes provision for the procedure for making references to the Court of Justice of the EU, which will no longer be applicable on Exit, and is omitted accordingly.
- Part 74 There are omitted provisions governing procedure for applications in relation to recognition and enforcement under the “Brussels Ia” Regulation and Lugano Convention and their predecessors, consequential on the revocation of those EU instruments by the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019. There are also amendments, and provisions omitted, in relation to the EU Protection Measures Regulation (Regulation (EU) 606/2013), consequential on the provision made by the Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/493); and in relation to the EU European Enforcement Orders Regulation (Regulation (EC) No. 805/2004) consequential on the provision made in the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1311).
- Part 78 Part 78 makes provision for the procedure relating to proceedings under or in relation to certain EU instruments which are revoked by, or cease to have effect in accordance with, the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 and the Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469); and is revoked accordingly.
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An impact assessment has not been produced for this instrument as it has no or minimal impact on business, the voluntary sector and the public sector.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019.