
STATUTORY INSTRUMENTS

2014 No. 3300

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice (European Protection Order)
(England and Wales) Regulations 2014 (revoked)^{F1}

Made - - - - *15th December 2014*
Laid before Parliament *18th December 2014*
Coming into force - - *11th January 2015*

F1

F1 [Regulations revoked \(31.12.2020\) by The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\), regs. 1\(1\), 4 \(with regs. 5, 6\) \(as amended by S.I. 2020/1408, regs. 1, 41-43\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations transpose, for England and Wales, Directive 2011/99/EU of the European Parliament and of the Council of 13th December 2011 on the European Protection Order (“the Directive”) (OJNo. L 338, 21.12.2011, p.2).

Part 2 gives to magistrates’ courts and, in certain circumstances, the Crown Court the power to make a European protection order (“EPO”) on the application of a protected person. Regulation 3 provides that, for the purposes of Part 2, a “protected person” is an individual who is the object of the protection given by a protection measure. A “protection measure” is a decision or order of a court in a criminal cause or matter which imposes certain prohibitions or restrictions on the conduct of an individual (for example preventing the person visiting particular areas or contacting or approaching a protected person). Before making an EPO the court must be satisfied that there are existing domestic protection measures in force and that the protected person either already resides or stays, or has decided to reside or stay, in another member State of the European Union (“the executing State”). In deciding whether to issue an EPO the relevant court must consider such matters as it thinks appropriate, including the length of the period or periods that the protected person intends to reside or stay in the executing State and the seriousness of the need for protection of the protected person while residing or staying in the executing State. Applications may be made to a magistrates’ court or (where an application for an EPO is made at the same hearing at which the protection measure was made) to the Crown Court. An application which comes via the executing State is to be treated as if made to a magistrates’ court (regulation 5). Regulation 6 deals with the form and content of an EPO. Under regulation 7 the court must ensure a protected person is told of the possibility of applying for an EPO where a protection measure has been made. If an application for an EPO is refused the protected person must be told of any applicable legal remedy that may be available against the decision. Regulation 9 imposes a duty on the relevant court, once it has made an EPO, to transmit the EPO to the competent authority of the executing State. Regulation 10 deals with decisions to renew, modify and revoke the underlying protection measure and the effect on the EPO.

Part 3 makes provision for recognising and giving effect to an incoming EPO (i.e. one from a member State other than the United Kingdom). In this situation, that other member State is the “issuing State” and the UK is the “executing State”. Regulation 12 provides that where an EPO is sent to the central authority for England and Wales, a magistrates’ court will need to decide without undue delay whether any ground for refusal to give effect to the EPO in the Schedule applies. If none apply, the court must give effect to the EPO. If a ground for refusal applies, the court may refuse to recognise the EPO and must ensure the competent authority of the issuing State and the protected person (or guardian or representative) are informed of the decision and the grounds for doing so.

Regulation 13 directs a magistrates’ court to give effect to an incoming EPO by making a restraining order under section 5 of the Protection from Harassment Act 1997 (c. 40), and modifies section 5 for the purpose of doing so. Regulation 14 deals with cases where the information provided in the EPO is incomplete. It also provides that where a restraining order is made to give effect to an EPO the individual who is subject to the order (the “person causing danger”), the protected person and the competent authority of the issuing State are informed of the terms of the order and the possible legal consequences in the event of breach. Regulation 15 is a procedural provision to deal with cases where a protected person makes his or her request for an EPO in England and Wales but where the

issuing State would be a member State other than the United Kingdom. The central authority for England and Wales must send the request on to the relevant member State. Regulation 16 provides that the central authority for England and Wales must notify the competent authority of the issuing State if it becomes aware of a breach of a restraining order made for the purpose of giving effect to an incoming EPO.

Regulation 17 applies where the competent authority of the issuing State has modified an EPO. A magistrates' court must give effect to any modified prohibitions or restrictions unless they are not of a kind referred to in Article 5 of the Directive. Where the competent authority of the issuing State has revoked or withdrawn an EPO the magistrates' court must discharge the restraining order when notified (regulation 18). Regulation 19 gives a power to a magistrates' court to discharge a restraining order made on the basis of an EPO in certain circumstances, including where the court is satisfied the protected person is no longer residing or staying in England and Wales.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 (revoked).