
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 249

The Civil Protection Measures, European
Protection Order and Victims' Rights (EU Exit)
(Scotland) (Amendment Etc.) Regulations 2022

PART 2

MUTUAL RECOGNITION OF PROTECTION MEASURES

Amendment of Regulation (EU) 606/2013

2.—(1) Regulation (EU) 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters⁽¹⁾ is amended as follows.

(2) In Article 1 (subject matter)—

- (a) after “recognition” insert “, in Scotland,”,
- (b) before “Member State” insert “participating”.

(3) In Article 2 (scope)—

(a) for paragraph 1 substitute—

“1. This Regulation applies where the recognition or enforcement of a protection measure in civil matters ordered by an issuing authority is sought in Scotland.”,

(b) omit paragraph 2,

(c) in paragraph 3, after “Regulation (EC) 2201/2003” insert “as it has effect in EU law or as it has effect in the law of Scotland”.

(4) In Article 3 (definitions)—

(a) in point (1), for “the Member State of origin” substitute “a participating Member State”,

(b) in point (4)—

- (i) before “Member State” at both places where it occurs insert “participating”,
- (ii) for “this Regulation” substitute “the MRP Regulation”,

(c) for point (5) substitute—

“(5) “participating Member State” means a Member State other than Denmark;

(5A) “MRP Regulation” means Regulation (EU) 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters as it has effect in EU law;

(5B) “the competent court”, in relation to the recognition and enforcement of a protection measure means—

(1) EUR 2013/606. EUR 2013/606 was amended in respect of the law of England and Wales and Northern Ireland by S.I. 2019/493.

- (a) the Court of Session, or
 - (b) the sheriff court.”,
 - (d) omit point (6).
 - (5) In Article 4 (recognition and enforcement)—
 - (a) in paragraph 1, for “ordered in a Member State shall be recognised in the other Member States” substitute “shall be recognised by the competent court”,
 - (b) for paragraph 2 substitute—
 - “2. A protected person who wishes to invoke a protection measure in Scotland must provide the competent court with—
 - (a) a valid copy of the protection measure;
 - (b) the certificate issued by the participating Member State pursuant to Article 5 of the MRP Regulation; and
 - (c) where necessary, a transliteration and/or a translation of the certificate into English.”,
 - (c) for paragraph 5 substitute—
 - “5. For the purpose of enforcing a protection measure the Court of Session has the same powers, and may undertake the same procedure for enforcement, as if the protection measure was an interdict granted by the Court of Session.

For the purpose of enforcing a protection measure the sheriff court has the same powers, and may undertake the same procedure for enforcement, as if the protection measure was an interdict granted by the sheriff court.”.
- (6) Omit Articles 5 to 10.
- (7) In Article 11 (adjustment of the protection measure)—
 - (a) in paragraph 1—
 - (i) for “competent authority of the Member State addressed” substitute “competent court”,
 - (ii) for “that Member State” substitute “Scotland”,
 - (b) in paragraph 2, for “the Member State addressed” substitute “Scotland”,
 - (c) in paragraph 4—
 - (i) for the first sub-paragraph substitute—
 - “The notification is to be effected in accordance with the law of Scotland.”,
 - (ii) in the second sub-paragraph, for “the Member State addressed” substitute “Scotland”,
 - (d) in paragraph 5, for “the Member State addressed” substitute “Scotland”.
- (8) In Article 12 (no review as to substance)—
 - (a) omit “ordered in the Member State of origin”,
 - (b) for “in the Member State addressed” substitute “by the competent court”.
- (9) In Article 13 (refusal of recognition of enforcement)—
 - (a) in paragraph 1, in point (a) omit “in the Member State addressed”,
 - (b) in paragraph 1, in point (b) for “the Member State addressed” substitute “Scotland”,
 - (c) for paragraph 2 substitute—

- “2. The application for refusal or recognition or enforcement must be submitted to the competent court.”,
- (d) in paragraph 3, for “the Member State addressed” substitute “Scotland”.
- (10) In Article 14 (suspension or withdrawal of recognition or enforcement)—
- (a) omit paragraph 1,
- (b) in paragraph 2—
- (i) for “the certificate issued in accordance with paragraph 1” substitute “a certificate issued in accordance with Article 14(1) of the MRP Regulation”,
- (ii) for “competent authority of the Member State addressed” substitute “competent court”.
- (11) In Article 15 (legalisation and other similar formalities) before “Member State” insert “participating”.
- (12) Omit Articles 16 to 21.
- (13) In Article 22 (entry into force) omit the first and second paragraphs.
- (14) In the text following Article 22 omit “This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties”.