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STATUTORY INSTRUMENTS

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**2018 No. 1311**

**EXITING THE EUROPEAN UNION  
CIVIL PROCEEDINGS**

The European Enforcement Order, European Order  
for Payment and European Small Claims Procedure  
(Amendment etc.) (EU Exit) Regulations 2018

*Sift requirements satisfied*                      *20th November 2018*  
*Made*       -   -   -   -                      *3rd December 2018*  
*Laid before Parliament*                      *6th December 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<sup>M1</sup>.

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

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**Marginal Citations**

**M1** [2018 c. 16.](#)

**PART 1**

Introduction

**Citation and commencement**

**1.** These Regulations may be cited as the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 and come into force on exit day.

**Changes to legislation:** There are currently no known outstanding effects for the The European Enforcement Order; European Order for Payment and European Small Claims Procedure (Amendment etc.) (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](#)

#### Interpretation

##### 2. In these Regulations—

“Regulation (EC) No 805/2004” means Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims;

“Regulation (EC) No 1896/2006” means Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure;

“Regulation (EC) No 861/2007” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

#### 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](#)

## PART 2

### Amendment of primary legislation

#### Amendment of the Debt Relief (Developing Countries) Act 2010

3.—(1) The Debt Relief (Developing Countries) Act 2010 <sup>M2</sup> is amended as follows.

(2) In section 7 (exception for overriding EU or international obligations)—

- (a) in the heading omit the words “EU or”;
- (b) in subsection (1) for “European Union law, or by an international obligation of the United Kingdom,” substitute “an international obligation of the United Kingdom”;
- (c) in subsection (2) omit paragraphs (a) and (b) (and the “or” after paragraph (b)).

#### 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](#)

#### Marginal Citations

- M2** [2010 c. 22.](#)

## PART 3

### Amendment and revocation of subordinate legislation

#### Amendment of the High Court and County Courts Jurisdiction Order 1991

- 4.—(1) The High Court and County Courts Jurisdiction Order 1991 <sup>M3</sup> is amended as follows.
- (2) In article 1A (interpretation) omit paragraphs (a) and (b).
- (3) In article 2 (jurisdiction), in paragraph (1), omit sub-paragraphs (q) and (r).
- (4) Omit article 6B (applications under the European small claims procedure).

##### 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](#)

##### Marginal Citations

**M3** [S.I. 1991/724](#). Relevant amending instruments are [S.I. 2008/2934](#) and [S.I. 2014/821](#).

#### Amendment of the High Court and County Courts Jurisdiction (Amendment) Order 2008

- 5.—(1) The High Court and County Courts Jurisdiction (Amendment) Order 2008 <sup>M4</sup> is amended as follows.
- (2) Omit articles 3, 5 and 7 (amendments to the High Court and County Courts Jurisdiction Order 1991) <sup>M5</sup>.

##### 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](#)

##### Marginal Citations

**M4** [S.I. 2008/2934](#).  
**M5** [S.I. 1991/724](#).

#### Revocation of the European Communities (European Order for Payment) (Scotland) Regulations 2009

6. The European Communities (European Order for Payment) (Scotland) Regulations 2009 <sup>M6</sup> are 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](#)

##### Marginal Citations

**M6** [S.S.I. 2009/99](#).

## PART 4

### Amendment and revocation of retained direct EU legislation

#### Revocation of Regulation (EC) No 805/2004

7. Regulation (EC) No 805/2004 is revoked.

##### 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](#)

#### Revocation of Commission Regulation (EC) No 1869/2005

8. Commission Regulation (EC) No 1869/2005 of 16 November 2005 replacing the Annexes to Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims is revoked.

##### 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](#)

#### Revocation of Regulation (EC) No 1896/2006

9. Regulation (EC) No 1896/2006 is revoked.

##### 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](#)

#### Revocation of Regulation (EC) No 861/2007

10. Regulation (EC) No 861/2007 is revoked.

##### 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](#)

#### Amendment of Regulation (EC) No 1103/2008

11. In Regulation (EC) No 1103/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision [1999/468/EC](#), with regard to the regulatory procedure with scrutiny, in the Annex, omit paragraph 4 <sup>M7</sup>.

**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](#)

**Marginal Citations**

**M7** [Paragraph 4](#) is concerned with Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims.

**Revocation of Commission Regulation (EU) No 936/2012**

**12.** Commission Regulation (EU) No 936/2012 of 4 October 2012 amending the Annexes to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure is revoked.

**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](#)

**Revocation of Regulation (EU) No 2015/2421**

**13.** Regulation (EU) No 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure is revoked.

**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](#)

**Revocation of Commission Delegated Regulation (EU) 2017/1259**

**14.** Commission Delegated Regulation (EU) 2017/1259 of 19 June 2017 replacing Annexes I, II, III and IV to Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure 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](#)

**Revocation of Commission Delegated Regulation (EU) 2017/1260**

**15.** Commission Delegated Regulation (EU) 2017/1260 of 19 June 2017 replacing Annex I to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure is revoked.

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**Changes to legislation:** There are currently no known outstanding effects for the The European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018. (See end of Document for details)

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**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

## PART 5

### Saving Provisions

**[<sup>F1</sup>Saving: application of Article 67 of the withdrawal agreement – European Enforcement Orders and European Orders for Payment applied for before IP completion day and European Small Claims Procedures commenced before IP completion day**

**16.** Nothing in these Regulations affects the application of paragraphs 2(d), 3(d) and (e) of Article 67 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of those paragraphs as if the amendments and revocations had not been made.]

**F1** Pt. 5 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), 3

**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

Signed by authority of the Secretary of State for Justice.

Ministry of Justice

*Lucy Frazer*  
Parliamentary Under Secretary of State

**Changes to legislation:** There are currently no known outstanding effects for the The European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018. (See end of Document for details)

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## 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 civil judicial cooperation relating to (i) the European Enforcement Order (EEO) as provided for by Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (“Regulation (EC) No 805/2004”), (ii) the European order for payment procedure (EOPP) as provided for by Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (“Regulation (EC) No 1896/2006”), and (iii) the European Small Claims Procedure (ESCP) as provided for by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (“Regulation (EC) No 861/2007”).

Part 2 makes consequential amendments to the Debt Relief (Developing Countries) Act 2010.

Part 3 amends the High Court and County Courts Jurisdiction Order 1991 and the High Court and County Courts Jurisdiction (Amendment) Order 2008, and revokes the European Communities (European Order for Payment) (Scotland) Regulations 2009.

Part 4 revokes Regulation (EC) No 805/2004, Regulation (EC) No 1896/2006 and Regulation (EC) No 861/2007 and makes revocations and amendments to related retained EU law.

Part 5 saves and modifies certain legislation relating to the EEO, EOPP and ESCP for application to certain proceedings following exit day.

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.

**Changes to legislation:**

There are currently no known outstanding effects for the The European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018.