

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.