
STATUTORY INSTRUMENTS

2019 No. 493

**The Mutual Recognition of Protection Measures in
Civil Matters (Amendment) (EU Exit) Regulations 2019**

PART 4

Amendment of retained EU legislation

Amendment of Regulation (EU) 606/2013

5.—(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 is amended as follows.

(2) In Article 1 (subject matter)—

- (a) after “recognition” insert “, in England and Wales or Northern Ireland,”,
- (b) for “Member State” substitute “participating Member State”.

(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 England and Wales or Northern Ireland.”,

(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 England and Wales and Northern Ireland”.

(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) for “a Member State” substitute “a participating Member State”,
- (ii) for “this Regulation” substitute “the MRP Regulation”,
- (iii) for “the Member State” substitute “the participating Member State”,

(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^{MI} as it has effect in EU law;

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

- (a) in England and Wales, means the family court, the county court or the High Court;
 - (b) in Northern Ireland, means a county court or the High 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 England and Wales or Northern Ireland must provide the competent court with—
 - (a) a valid copy of the protection measure,
 - (b) the certificate issued in 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) in paragraph 5, for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”.
- (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 “ England and Wales, or Northern Ireland (as the case may be) ”,
 - (b) in paragraph 2, for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”,
 - (c) in paragraph 4—
 - (i) for the first subparagraph substitute—

“The notification shall be effected in accordance with the law of England and Wales, or Northern Ireland (as the case may be).”,
 - (ii) in the second subparagraph for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”,
 - (d) in paragraph 5, for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”.
- (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 or enforcement)—
 - (a) in paragraph 1, in point (a), for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”,
 - (b) in paragraph 1, in point (b), for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be). ”,

(c) for paragraph 2 substitute—

“2. The application for refusal of recognition or enforcement of a protection measure must be made to the competent court.”,

(d) in paragraph 3, for “the Member State addressed” substitute “ England and Wales, or Northern Ireland (as the case may be) ”.

(10) In Article 14 (suspension or withdrawal of recognition or enforcement)—

(a) omit paragraph 1,

(b) in paragraph 2—

(i) for “paragraph 1” substitute “ 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) for “Member State” substitute “ participating Member State ”.

(12) Omit Articles 16 to 21.

(13) Omit the first and second paragraphs of Article 22 (entry into force).

(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.”.

Commencement Information

II 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

M1 OJ No L 181, 29.6.2013, p. 4.

Changes to legislation:

There are currently no known outstanding effects for the The Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019, Section 5.