

## STATUTORY INSTRUMENTS

# 2019 No. 517

## The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019

### Part 3

The Court of Protection Rules 2017: amendment and transitional and saving provision

#### Amendment of the Court of Protection Rules 2017

**29.** The Court of Protection Rules 2017 are amended as set out in regulations 30 to 32.

#### Commencement Information

**11** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Amendment of Part 6

**30.**—(1) Part 6 (service of documents) is amended as follows.

(2) In the table of contents for the Part, omit the entry for rule 6.15.

[<sup>F1</sup>(3) In rule 6.11, in paragraph (2), omit—

(a) the definition of “Member State”;

(b) in the definition of “Service Convention country”, the words “, not being a Member State,”;

(c) the definition of “the Service Regulation”.]

(4) In rule 6.13, in paragraph (2)(b), omit “Member State or”.

(5) In rule 6.14, omit paragraph [<sup>F2</sup>(3)(a)(i)].

(6) Omit rule 6.15.

(7) In rule 6.16, omit paragraph (4) and the first set of words in parentheses after it.

(8) In rule 6.18, omit the words in parentheses at the end of the rule.

#### Textual Amendments

**F1** Reg. 30(3) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, [4\(3\)\(a\)](#)

**F2** Word in reg. 30(5) substituted (17.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, [4\(3\)\(b\)](#)

**Commencement Information**

**I2** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

**Amendment of Part 10**

**31.**—(1) Part 10 (applications within proceedings) is amended as follows.

(2) In rule 10.7(2), for sub-paragraph (a) substitute—

“(a) the applicant is resident out of the jurisdiction;”.

**Commencement Information**

**I3** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

**Amendment of Part 14**

**32.**—(1) Part 14 (admissions, evidence and depositions) is amended as follows.

(2) In the table of contents for the Part, omit the entries for rule 14.21 and rule 14.22.

(3) In rule 14.20(1), omit “, 14.22”.

(4) Omit rule 14.21.

(5) Omit rule 14.22.

(6) In rule 14.23(1), for “who is—” and sub-paragraphs (a) and (b) substitute “ who is out of the jurisdiction ”.

**Commencement Information**

**I4** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

**Transitional and saving provision**

**33.**—(1) Where before [<sup>F3</sup>IP completion day] an application was served under the Service Regulation on a respondent in a Member State, rule 6.13(2) applies for the purposes of the period for filing an acknowledgment of service as if the amendment to that rule made by these Regulations had not been made.

(2) Where before [<sup>F3</sup>IP completion day] an applicant has filed the documents referred to in rule 6.15(2), but the action required by rule 6.15(3) has not been taken by [<sup>F3</sup>IP completion day], the court may treat the request for service of the documents in question as a request for service pursuant to rule 6.16(1) or (2) as appropriate.

(3) Where an application was made before [<sup>F3</sup>IP completion day], rule 10.7 applies for the purposes of the court's power to make an order for security for costs in relation to that application as if the amendment made to that rule by these Regulations had not been made.

(4) Rule 14.20(1) has effect, where a deposition was ordered before [<sup>F3</sup>IP completion day], as if the amendment made to it by these Regulations had not been made.

(5) If before [<sup>F3</sup>IP completion day] a court has made an order for the issue or submission of a request under rule 14.22 but the further action required by that rule has not been taken by [<sup>F3</sup>IP completion day], the court may treat the order as one for the issue of a letter of request under rule 14.23 and proceed accordingly.

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**Textual Amendments**

**F3** Words in [reg. 33](#) 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\(1\), 8\(2\)\(h\)](#)

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**Commencement Information**

**I5** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019, Part 3.