

**2020 No. 1493**

**EXITING THE EUROPEAN UNION**

**CIVIL PROCEEDINGS**

**CRIMINAL LAW**

**EVIDENCE**

**FAMILY PROCEEDINGS**

**JUDGMENTS**

**LEGAL AID AND ADVICE**

**MEDIATION**

**PRIVATE INTERNATIONAL LAW**

The Civil, Criminal and Family Justice (Amendment) (EU Exit)  
Regulations 2020

*Made* - - - - *9th December 2020*

*Laid before Parliament* *10th December 2020*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8B of and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(a)</sup> and section 41(1) of the European Union (Withdrawal Agreement) Act 2020<sup>(b)</sup>.

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 and come into force immediately before IP completion day.

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(a) 2018 c. 16. Section 8B was inserted by section 18 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).  
(b) 2020 c. 1.

(2) Subject to paragraph (3), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Any amendment made by these Regulations has the same extent as the enactment it amends.

### **Amendment of the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018**

**2.**—(1) The Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018<sup>(a)</sup> are amended as follows.

(2) In regulation 2 (interpretation of Part 2), omit the entries for “central body” and “receiving agency”.

(3) For regulations 8 and 9 (savings: judicial and extrajudicial documents received in the United Kingdom before exit day) substitute—

#### **“Saving relating to the service of judicial and extrajudicial documents: application of Article 68 of the withdrawal agreement**

**8.**—(1) Nothing in this Part affects the application of paragraph (a) of Article 68 of the withdrawal agreement.

(2) The 2001 Regulations continue to have effect for the purposes of that paragraph as if they had not been revoked by regulation 3 of these Regulations.

(3) Regulation (EC) 1393/2007 continues to have effect for the purposes of that paragraph.”.

(4) For regulation 10(2) (the Agreement: cessation, and saving of rights etc.) substitute—

“(2) Nothing in this regulation affects the application of paragraph (3) of Article 69 of the withdrawal agreement and any rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from the Agreement continue to be recognised and available for the purposes of that paragraph.”.

(5) For regulation 13 (saving: Regulation (EC) No 1206/2001 – requests received in the United Kingdom before exit day) substitute—

#### **“Saving relating to requests received before IP completion day: application of Article 68 of the withdrawal agreement**

**13.** Nothing in this Part affects the application of paragraph (b) of Article 68 of the withdrawal agreement and Regulation (EC) No 1206/2001 continues to have effect for the purposes of that paragraph.”.

### **Amendment of the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018**

**3.** For Part 5 of the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 (saving provisions)<sup>(b)</sup> substitute—

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(a) S.I. 2018/1257.

(b) S.I. 2018/1311.

## “PART 5

### Saving Provision

#### **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.”.

#### **Amendment of the Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019**

4.—(1) The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 1(2) (citation, commencement and extent)—

(a) for “, revocation or modification” substitute “or revocation”, and

(b) for “, revoked or modified” substitute “or revoked”.

(3) In regulation 2 (revocation and saving of the Cross-Border Mediation (EU Directive) Regulations 2011)—

(a) in the heading, omit “and saving”, and

(b) omit paragraphs (2), (3) and (4).

(4) In regulation 3 (revocation and saving of the Cross-Border Mediation Regulations (Northern Ireland) 2011)—

(a) in the heading, omit “and saving”, and

(b) omit paragraphs (2), (3) and (4).

(5) For regulation 5 (mediations begun before exit day: saving and transitional provisions) substitute—

#### **“Saving: application of Article 69 of the withdrawal agreement – mediations begun before IP completion day**

5. Nothing in these Regulations affects the application of paragraph 1(b) of Article 69 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of that paragraph as if the amendments or revocations had not been made.”.

(6) Omit Schedule 2 (modification of legislation).

#### **Amendment of the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019**

5.—(1) The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In each of the following for “exit day” substitute “IP completion day”—

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(a) S.I. 2019/469.

(b) S.I. 2019/479.

- (a) regulation 6(2)(b)(ii) (Civil Jurisdiction and Judgments Act 1982), in the insertion made by that regulation to the definition of “the Regulation” in section 1(1) of the Civil Jurisdiction and Judgments Act 1982<sup>(a)</sup>;
  - (b) regulation 26 (jurisdiction in consumer and employment matters)—
    - (i) in the new section 15A(2) of the Civil Jurisdiction and Judgments Act 1982 (scope of sections 15B to 15E) inserted by that regulation, and
    - (ii) in the new section 15E(2)(a) of the Civil Jurisdiction and Judgments Act 1982 (interpretation) inserted by that regulation, in both places where it appears;
  - (c) regulation 28 (jurisdiction in other civil proceedings)—
    - (i) in the substitution made by paragraph (2) of that regulation, and
    - (ii) in the new subsection (3A) inserted into section 16 of the Civil Jurisdiction and Judgments Act 1982 (allocation within UK or jurisdiction in certain civil proceedings) by paragraph (5) of that regulation;
  - (d) regulation 31(4) (recognition of judgments), in the new section 20(6) of the Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland) inserted by that regulation;
  - (e) regulation 73 (the Civil Jurisdiction and Judgments Act 1982 (Gibraltar) Order 1997)—
    - (i) in the insertion made by paragraph (2) of that regulation, and
    - (ii) in the new paragraph (2) inserted into article 4 of the Civil Jurisdiction and Judgments Act 1982 (Gibraltar) Order 1997<sup>(b)</sup> by paragraph (3)(b) of that regulation;
  - (f) regulation 82(1) (the 1968 Convention, the Lugano Conventions and the EC-Denmark Agreement);
  - (g) regulation 92(1) and (3) (savings relating to jurisdiction, recognition and enforcement), wherever it appears;
  - (h) regulation 93(2) and (3) (modifications of relevant instruments and EU-derived domestic legislation saved by regulation 92), wherever it appears, and
  - (i) regulation 95(4) (interpretation of this Part).
- (3) In regulation 92(2)—
- (a) at the end of sub-paragraph (a), insert “except where it was superseded by Regulation (EU) No 1215/2012 in accordance with article 68 of that Regulation;”;
  - (b) omit sub-paragraph (c);
  - (c) omit sub-paragraph (e), and
  - (d) omit sub-paragraph (f).
- (4) After regulation 93 insert—

**“Saving relating to jurisdiction, recognition and enforcement: application of Articles 67 and 69 of the withdrawal agreement**

**93A.** Nothing in these Regulations affects the application of paragraphs 1(a) and 2(a) of Article 67 and paragraph 2 of Article 69 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 or revocations had not been made.

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(a) 1982 c. 27.  
 (b) S.I. 1997/2602.

**Saving for requests received before IP completion day through the European Judicial Network: application of Article 68 of the withdrawal agreement**

**93B.** Nothing in these Regulations affects the application of paragraph (c) of Article 68 of the withdrawal agreement and Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (2001/470/EC) continues to have effect for the purposes of that paragraph.”.

(5) Omit regulation 94 (savings for European Enforcement Orders and European Orders for Payment applied for, and European Small Claims Procedures commenced, before exit day).

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

**6.—**(1) The Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) After regulation 1 (citation, commencement and extent) insert—

**“Saving provision: application of Article 67 of the withdrawal agreement**

**1A.** Nothing in these Regulations affects the application of paragraph 3(f) of Article 67 of the withdrawal agreement, and legislation amended or revoked by these Regulations continues to have effect for the purposes of that paragraph as if the amendments or revocations had not been made.”.

**Amendment of the Civil Legal Aid (Amendment) (EU Exit) Regulations 2019**

**7.—**(1) The Civil Legal Aid (Amendment) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In each of the following, for “exit day” substitute “IP completion day”—

(a) regulation 8(2) and (3) (transitional provision – England and Wales), wherever it appears, and

(b) regulation 9(2) and (3) (transitional provision – Northern Ireland), wherever it appears.

(3) After regulation 8(3), insert—

“(3A) Nothing in these Regulations affects the application of paragraph 1(a) of Article 69 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of that paragraph as if the amendments or revocations had not been made.”.

(4) After regulation 9(3), insert—

“(3A) Nothing in these Regulations affects the application of paragraph 1(a) of Article 69 of the withdrawal agreement and legislation amended or revoked by these Regulations continues to have effect for the purposes of that paragraph as if the amendments or revocations had not been made.”.

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

**8.—**(1) The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019(c) are amended as follows.

(2) In each of the following, for “exit day” substitute “IP completion day”—

(a) regulation 22 (transitional and saving provision – Part 6), wherever it appears;

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(a) S.I. 2019/493.  
(b) S.I. 2019/505.  
(c) S.I. 2019/517.

- (b) regulation 23 (transitional and saving provision – Part 9 and Part 12), wherever it appears;
  - (c) regulation 24 (transitional and saving provision – Part 20);
  - (d) regulation 25 (transitional and saving provision – Part 24), in both places where it appears;
  - (e) regulation 26(1) (transitional and saving provision – Part 31);
  - (f) regulation 27(1) (transitional and saving provision – Part 34);
  - (g) regulation 28 (transitional and saving provision – Part 35), wherever it appears, and
  - (h) regulation 33 (transitional and saving provision), wherever it appears.
- (3) After regulation 28, insert—

**“Transitional and saving provision – Part 38: application of Article 67 of the withdrawal agreement**

**28A.**—(1) Where in relation to any proceedings under Part 38 the relevant saving provision applies, Part 38 continues to apply on and after IP completion day as if the amendments made to that Part by these Regulations had not been made.

(2) In this regulation, “the relevant saving provision” means regulation 1A of the Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019.”.

**Amendment of the Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019**

**9.**—(1) The Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In each of the following, for “exit day” substitute “IP completion day”—
- (a) regulation 17 (transitional and saving provision – Part 5), wherever it appears;
  - (b) regulation 18 (transitional and saving provision – Part 6), wherever it appears;
  - (c) regulation 19 (transitional and saving provision – Part 12), in both places where it appears;
  - (d) regulation 20 (transitional and saving provision – Part 25), in both places where it appears;
  - (e) regulation 22 (transitional and saving provision – Part 31), in both places where it appears;
  - (f) regulation 23 (transitional and saving provision – Part 34), wherever it appears;
  - (g) regulation 24 (transitional and saving provision – Part 63), wherever it appears;
  - (h) regulation 25 (transitional and saving provision – Part 68), in both places where it appears;
  - (i) regulation 26 (transitional and saving provision – Part 74), wherever it appears, and
  - (j) regulation 27 (transitional and saving provision – Part 74 and Part 78), wherever it appears.
- (3) After regulation 18(3), insert—
- “(3A) Where a claim to which rule 6.33(2) applies is issued before IP completion day but the claim form has not been served by IP completion day, rules 6.33 and 6.35 apply on and after IP completion day in relation to service of the claim form and to the period for responding to the claim form as if the changes made by these Regulations had not been made.”.
- (4) After regulation 26(2), insert—

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(a) S.I. 2019/521.

“(3) In relation to any case where paragraph 2(a) of Article 67 of the withdrawal agreement applies, Section II of Part 74 applies on and after IP completion day for the purposes of an application for a certified copy of a judgment as if the changes made by these Regulations had not been made.

(4) In a case to which regulation 1A of the Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019 applies, Section VI of Part 74 applies on and after IP completion day for the purpose of the certificate which was issued before IP completion day as if the changes made by these Regulations had not been made.”.

(5) In regulation 27(2)(a), for “any of regulations 16 to 18; and regulation 19” substitute “regulation 16”.

### **Amendment of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019**

**10.** After regulation 2 of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (revocation of the Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005)(a), insert—

#### **“Saving for applications for compensation received by the Deciding Authority before IP completion day: application of Article 69(1)(c) of the withdrawal agreement**

**2A.** Nothing in regulation 2 affects the application of paragraph 1(c) of Article 69 of the withdrawal agreement and the legislation revoked by regulation 2 continues to have effect for the purposes of that paragraph as if it had not been revoked.”.

9th December 2020

*Alex Chalk*  
Parliamentary Under Secretary of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by sections 8B of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16), and section 41(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

These Regulations make amendments to a number of statutory instruments that made provision in relation to the United Kingdom’s exit from the European Union. In particular, they amend the Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479); the Civil Legal Aid (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/505); the Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), and the Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521) in order to update references to ‘exit day’ to ‘IP completion day’. These Regulations also amend those instruments, as well as the Service of Documents and Taking of Evidence in Civil and Commercial Matters (Revocation and Saving Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1257); the European Enforcement Order, European Order for Payment and European Small Claims Procedure (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1311); the Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469); the Mutual

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(a) S.I. 2019/780.

Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/493), and the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/780), in order to ensure alignment with the United Kingdom's obligations under articles 67, 68 and 69 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, which make provision for the treatment of matters which are already ongoing at the end of the transition period.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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