
STATUTORY INSTRUMENTS

2018 No. 1311

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

PART 5

Saving Provisions

Saving: Regulation (EC) No 805/2004 - European Enforcement Orders applied for before exit day

16.—(1) Regulation (EC) No 805/2004 continues to apply as if it had not been revoked by these Regulations with the modifications set out in paragraph (2) in relation to a case where—

- (a) one or more of the following has occurred—
 - (i) a judgment has been given before exit day;
 - (ii) a court settlement has been approved or concluded before exit day;
 - (iii) an authentic instrument has been drawn up or registered before exit day;
 - (b) the application for certification as a European Enforcement Order is made before exit day; and
 - (c) enforcement of the certified judgment, court settlement, or authentic instrument is being sought in the United Kingdom.
- (2) Those modifications are that Regulation (EC) No 805/2004 is to be read as if—
- (a) the term “Member State” included the United Kingdom;
 - (b) Article 29 (information on enforcement procedures and authorities) were omitted;
 - (c) Article 30 (information relating to redress procedures, languages and authorities) were omitted;
 - (d) Article 31 (amendments to the Annexes) were omitted;
 - (e) Article 32 (committee) were omitted.
- (3) In this regulation—
- (a) “authentic instrument” means—
 - (i) a document which has been formally drawn up or registered as an authentic instrument, and the authenticity of which—
 - (aa) relates to the signature and the content of the instrument; and
 - (bb) has been established by a public authority or other authority empowered for that purpose by the member State in which it originates; or
 - (ii) an arrangement relating to maintenance obligations concluded with administrative authorities or authenticated by them;

- (b) “judgment” means any judgment given by a court or tribunal of a member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.

Saving: Regulation (EC) No 1896/2006 - European orders for payment applied for before exit day

17.—(1) Regulation (EC) No 1896/2006 continues to apply as if it had not been revoked by these Regulations with the modifications set out in paragraph (2) in relation to a case where—

- (a) the application for a European order for payment is made before exit day; and
 - (b) enforcement of that European order for payment is being sought in the United Kingdom.
- (2) Those modifications are that Regulation (EC) No 1896/2006 is to be read as if—
- (a) references to “Member State” included the United Kingdom;
 - (b) in Article 6(1) (jurisdiction) the words “the relevant rules of Community law, in particular” were omitted;
 - (c) in the second sub-paragraph of paragraph 5 of Article 16 (opposition to the European order for payment) the final sentence were omitted;
 - (d) Article 28 (information relating to service costs and enforcement) were omitted;
 - (e) Article 29 (information relating to jurisdiction, review procedures, means of communication and languages) were omitted;
 - (f) Article 30 (amendments to the Annexes) were omitted;
 - (g) Article 31 (committee) were omitted;
 - (h) Article 32 (review) were omitted.

Saving: Regulation (EC) No 861/2007 - European Small Claims Procedures commenced before exit day

18.—(1) Regulation (EC) No 861/2007 continues to apply as if it had not been revoked by these Regulations with the modifications set out in paragraph (2) in relation to a case where—

- (a) the claim form is lodged before exit day; and
 - (b) enforcement of the judgment given in the European Small Claims Procedure is being sought in the United Kingdom.
- (2) Those modifications are that Regulation (EC) No 861/2007 is to be read as if—
- (a) references to “Member State” included the United Kingdom;
 - (b) Article 4(2) (Member States informing the Commission regarding means of communication) were omitted;
 - (c) Article 17(1) (Member States informing the Commission regarding appeals) were omitted;
 - (d) Article 24 (information) were omitted;
 - (e) Article 25 (information relating to jurisdiction, means of communication and appeals) were omitted;
 - (f) Article 26 (implementing measures) were omitted;
 - (g) Article 27 (committee) were omitted;
 - (h) Article 28 (review) were omitted.

Saving: Domestic legislation

19.—(1) In relation to a case where any of regulations 16, 17 and 18 apply, the provisions listed in paragraph (2) continue to have effect as if they had not been amended or, as the case may be, revoked by these Regulations.

(2) The provisions are—

- (a) section 7 of the Debt Relief (Developing Countries) Act 2010;
- (b) articles 1A, 2 and 6B of the High Court and County Courts Jurisdiction Order 1991;
- (c) articles 3, 5, and 7 of the High Court and County Courts Jurisdiction (Amendment) Order 2008;
- (d) the European Communities (European Order for Payment) (Scotland) Regulations 2009.