Az átmeneti időszak vége előtt indított, folyamatban lévő polgári eljárásokat az uniós jog alapján fogják lefolytatni. Az európai igazságügyi portálon 2024 végéig még olvashatók lesznek az Egyesült Királyságra vonatkozó releváns információk, az országgal kötött kölcsönös megállapodás alapján.

Mutual recognition of protection measures in civil matters

Gibraltár

Article 17 - Information made available to the public

In Gibraltar

Outgoing protection measures (i.e. those applications ordered in the UK to be recognised & enforced in other EU member States)

Any applicant for (or recipient of) a domestic protection measure within scope of the Regulation will be able to apply for a protection measure certificate under this scheme to extend that protection to another EU member state from the court that issued it.

In Gibraltar the EU certificate will be available from the Supreme Court of Gibraltar, the applicable legislation is; the Recognition of Protection Measures Regulations 2015 and the Civil Procedure Rules apply to both civil and family proceedings. Where the conditions are met the Supreme Court of Gibraltar shall issue the protected person with the prescribed certificate in the common EU format and shall notify 'the person causing the risk'.

If satisfied the conditions are met, the court issues a certificate in prescribed form (common throughout the EU). This is given to the protected person /applicant. The protected person can also request that the court provide her or him with a translated certificate.

The court notifies the 'person causing the risk' that the certificate has been issued (and is applicable anywhere in the EU). There is no appeal against the issuance of a certificate, though there can be an application for rectification or withdrawal.

The certificate means the protected person automatically has the protection measure recognised and if needed enforceable in any other member State (except Denmark, which is not bound by the Regulation).

The recognition and enforcement of an incoming (to UK from another member State) protection measure

A protection measure issued in another Member State is automatically recognised without special procedure being required, and is enforceable without a declaration of enforceability. There is no need to present it to court for recognition.

In Gibraltar an EU protection order has the same force and effect as one of the Supreme Court; it is automatically recognised and directly enforceable. Where an application for alteration of an EU protection order is made to the Supreme Court the Supreme Court may adjust the measure accordingly and the Supreme Court will inform 'the person posing the risk' of such alteration(s).

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

In Gibraltar

The Supreme Court

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

In Gibraltar

The Supreme Court

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

In Gibraltar

The Supreme Court

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

In Gibraltar

The Supreme Court

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