Na področju civilnega pravosodja se bodo postopki, ki še potekajo, in postopki, ki so se začeli pred koncem prehodnega obdobja, nadaljevali po pravu EU. Evropski portal e-pravosodje bo na podlagi vzajemnega priznavanja ohranil informacije, povezane z Združenim kraljestvom, do konca leta 2024.

Mutual recognition of protection measures in civil matters

Anglija in Wales

Article 17 - Information made available to the public

In England and Wales

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 (e.g. those found in injunctions under the Protection from Harassment Act 1997, or in the family context, non-molestation orders, occupation orders and forced marriage protection orders) 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 England and Wales these courts will be:

the family court
the county court
the High Court (both Family Division and Queen's Bench Division)
the magistrates' courts (which can issue Domestic Violence Protection Orders)
Court of Protection

The detail of the relevant procedures to be followed in relation to these measures are set out in legislation and in the applicable Family or Civil Procedure Rules (FPR or CPR), which are the new FPR Part 38 (FPR Practice Direction 38A) and the new Section VI of CPR Part 74.

Help in making an application is available through any of these courts. A leaflet is also being made available and this will be accessible via the court service (HMCTS) website

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.

If a protected person requires an 'adjustment of the factual elements' (e.g. new address etc) of her/his protection measure, and/or seeks enforcement of the measure if there has been an alleged breach, s/he can apply to one of the following courts in England and Wales:

the family court;
the county court;
the High Court (Family Division).

These courts can adjust the measure accordingly (if that has been requested.) The person posing the risk is informed of the adjustments made (and of the penalties for breach).

These courts can enforce the protection measure by applying any of the civil sanctions that they can apply when enforcing domestic protection measures such as non-molestation orders or injunctions under the Protection from Harassment Act 1997.

A 'person causing the risk' can apply to one of these courts to refuse to recognise or enforce the incoming protection measure, but there are specific and limited grounds for the court to do so; the measure would have to be manifestly contrary to public policy, or irreconcilable with a domestic decision.

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

In England and Wales

the family court
the county court
the High Court (both Family Division and Queen's Bench Division)
the magistrates' courts
Court of Protection

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 England and Wales

the family court;
the county court;
the High Court (Family Division).

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

In England and Wales

the family court;
the county court;

the High Court (Family Division).

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 England and Wales

the county court;

the family court;

the High Court (Family Division).

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

English in all jurisdictions in the UK

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