
STATUTORY INSTRUMENTS

2019 No. 780

**The Criminal Justice (Amendment
etc.) (EU Exit) Regulations 2019**

PART 3

EUROPEAN PROTECTION ORDERS

CHAPTER 1

European protection orders: England and Wales

Interpretation

3. In this Chapter—

“the England and Wales EPO Regulations” means the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014⁽¹⁾;

“magistrates’ court” is to be construed in accordance with regulation 2(2) of the England and Wales EPO Regulations (interpretation) as it has effect on and after exit day by virtue of regulations 5 to 8;

“person causing danger” has the same meaning as in regulation 11(1) of the England and Wales EPO Regulations (interpretation) as it has effect on and after exit day by virtue of regulations 5 to 7 and is to be construed as if the United Kingdom continued on and after exit day to be a member State;

“protected person” has the same meaning as in regulation 11(1) of the England and Wales EPO Regulations as it has effect on and after exit day by virtue of regulations 5 to 7 and is to be construed as if the United Kingdom continued on and after exit day to be a member State;

“the central authority for England and Wales” has the same meaning as in regulation 2(1) of the England and Wales EPO Regulations as it has effect on and after exit day by virtue of regulations 6 and 7.

Revocation of the England and Wales EPO Regulations

4. The England and Wales EPO Regulations are revoked.

Transitional and saving provision: restraining orders made before exit day

5.—(1) A relevant restraining order that was made before exit day continues to have effect on and after exit day as if the England and Wales EPO Regulations had not been revoked by regulation 4.

(2) Where a relevant restraining order was made before exit day, a magistrates’ court may vary or discharge that order on or after exit day—

⁽¹⁾ [S.I. 2014/3300](#).

- (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
 - (b) on an application by the person causing danger, or
 - (c) of the court's own motion.
- (3) Where the magistrates' court has exercised the power under paragraph (1), it must ensure that the following are informed of that decision—
- (a) the person causing danger, and
 - (b) the protected person (or, where appropriate, the guardian or representative of the protected person).
- (4) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (2) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.
- (5) For the purposes of this regulation, "a relevant restraining order" is a restraining order that was—
- (a) made in accordance with regulation 13(2) of the England and Wales EPO Regulations (giving effect in England and Wales to a European protection order), or
 - (b) varied in accordance with regulation 17(6) of those Regulations (giving effect to a modified order).
- (6) For the purposes of this regulation, the following provisions of the England and Wales EPO Regulations continue to have effect on and after exit day as if they had not been revoked by regulation 4—
- (a) regulation 2;
 - (b) regulation 11.

Saving provision: requests for recognition of European protection orders received but not determined before exit day

- 6.—(1) This regulation applies where, before exit day—
- (a) a request referred to in regulation 12(1)(b) of the England and Wales EPO Regulations (requests from other member States to recognise a European protection order) was received by the central authority for England and Wales, and
 - (b) the decision referred to in regulation 12(4) of the England and Wales EPO Regulations was not made in relation to that request.
- (2) Subject to the modifications set out in paragraph (3), the following provisions of the England and Wales EPO Regulations continue to have effect on and after exit day in relation to that request as if they had not been revoked by regulation 4—
- (a) regulation 2;
 - (b) regulation 11;
 - (c) regulation 12(3) to (8);
 - (d) regulation 13 (giving effect in England and Wales to a European protection order);
 - (e) regulation 14(3) and (4) (procedural requirements relating to the making of a restraining order);
 - (f) the Schedule (grounds for refusal to give effect to a European protection order).
- (3) The modifications are—
- (a) regulation 12(6) is to be read as if—

- (i) it were not subject to regulation 14, and
- (ii) in sub-paragraph (a) for the words “the competent authority of the issuing State and the protected person are informed” there were substituted “the protected person is informed”;
- (b) regulation 14(3) is to be read as if sub-paragraph (b) were omitted;
- (c) paragraph 1 of the Schedule is to be read as if—
 - (i) at the end of sub-paragraph (a), “and” were omitted, and
 - (ii) sub-paragraph (b) were omitted.
- (4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued on and after exit day to be a member State.
- (5) Where, by virtue of this regulation, a restraining order is made in accordance with regulation 13(2) of the England and Wales EPO Regulations on or after exit day, a magistrates’ court may vary or discharge that order—
 - (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
 - (b) on an application by the person causing danger, or
 - (c) of the court’s own motion.
- (6) Where the magistrates’ court has exercised the power under paragraph (5), it must ensure that the following are informed of that decision—
 - (a) the person causing danger, and
 - (b) the protected person (or, where appropriate, the guardian or representative of the protected person).
- (7) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (6) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

Saving provision: European protection order modifications communicated, but not given effect to, before exit day

- 7.—(1) This regulation applies to a relevant case.
- (2) For the purposes of this regulation, a “relevant case” is one in which, before exit day—
 - (a) a European protection order was modified;
 - (b) the documents referred to in regulation 17(1)(b) of the England and Wales EPO Regulations were sent to the central authority for England and Wales, and
 - (c) the magistrates’ court did not give effect to the modified European protection order in accordance with regulation 17(3) of the England and Wales EPO Regulations.
- (3) The following provisions of the England and Wales EPO Regulations continue to have effect on and after exit day in relation to a relevant case as if they had not been revoked by regulation 4, subject to the modifications set out in paragraph (4)—
 - (a) regulation 2;
 - (b) regulation 11;
 - (c) regulation 17(1), (2), (3), (6), (7) and (8).
- (4) The modifications are—
 - (a) regulation 17(6) is to be read as if “or (5)” were omitted;

(b) regulation 17(8) is to be given effect as though regulation 14(3)(b) were omitted.

(5) The provisions referred to in paragraph (3) are to be construed as if the United Kingdom continued on and after exit day to be a member State.

(6) Where a restraining order is varied in accordance with regulation 17(6) of the England and Wales EPO Regulations (as it applies by virtue of this regulation) on or after exit day, a magistrates' court may vary or discharge that order—

- (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
- (b) on an application by the person causing danger, or
- (c) of the court's own motion.

(7) Where the magistrates' court has exercised the power under paragraph (6), it must ensure that the following are informed of that decision—

- (a) the person causing danger, and
- (b) the protected person (or, where appropriate, the guardian or representative of the protected person).

(8) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (7) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

Saving provision: European protection order revocation notifications made, but not given effect to, before exit day

8.—(1) This regulation applies where, before exit day—

- (a) a notification referred to in regulation 18(1)(b) of the England and Wales EPO Regulations (revocation of the European protection order) was made, and
- (b) the magistrates' court did not discharge the restraining order in accordance with regulation 18(3) of the England and Wales EPO Regulations.

(2) The following provisions of the England and Wales EPO Regulations continue to have effect on and after exit day in relation to the notification as if they had not been revoked by regulation 4—

- (a) regulation 2;
- (b) regulation 11;
- (c) regulation 18(2) and (3).

(3) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued on and after exit day to be a member State.

CHAPTER 2

European protection orders: Northern Ireland

Interpretation

9. In this Chapter—

“the Northern Ireland EPO Regulations” means the Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014(2);

“magistrates’ court” is to be construed in accordance with regulation 2(2) of the Northern Ireland EPO Regulations (interpretation – general) as it has effect on and after exit day by virtue of regulations 11 to 14;

“person causing danger” has the same meaning as in regulation 11(1) of the Northern Ireland EPO Regulations (interpretation) as it has effect on and after exit day by virtue of regulations 11 to 13 and is to be construed as if the United Kingdom continued on and after exit day to be a member State;

“protected person” has the same meaning as in regulation 11(1) of the Northern Ireland EPO Regulations as it has effect on and after exit day by virtue of regulations 11 to 13 and is to be construed as if the United Kingdom continued on and after exit day to be a member State;

“the central authority for Northern Ireland” has the same meaning as in regulation 2(1) of the Northern Ireland EPO Regulations as it has effect on and after exit day by virtue of regulations 12 and 13.

Revocation of the Northern Ireland EPO Regulations

10. The Northern Ireland EPO Regulations are revoked.

Transitional and saving provision: restraining orders made before exit day

11.—(1) A relevant restraining order that was made before exit day continues to have effect on and after exit day as if the Northern Ireland EPO Regulations had not been revoked by regulation 10.

(2) Where a relevant restraining order was made before exit day, a magistrates’ court may vary or discharge that order on or after exit day—

- (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
- (b) on an application by the person causing danger, or
- (c) of the court’s own motion.

(3) Where the magistrates’ court has exercised the power under paragraph (1), it must ensure that the following are informed of that decision—

- (a) the person causing danger, and
- (b) the protected person (or, where appropriate, the guardian or representative of the protected person).

(4) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (2) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

(5) For the purposes of this regulation, “a relevant restraining order” is a restraining order that was—

- (a) made in accordance with regulation 13(2) of the Northern Ireland EPO Regulations (giving effect in Northern Ireland to a European protection order), or
- (b) varied in accordance with regulation 17(6) of those Regulations (giving effect to a modified order).

(6) For the purposes of this regulation, the following provisions of the Northern Ireland EPO Regulations continue to have effect on and after exit day as if they had not been revoked by regulation 10—

- (a) regulation 2;
- (b) regulation 11.

Saving provision: requests for recognition of European protection orders received but not determined before exit day

12.—(1) This regulation applies where, before exit day—

- (a) a request referred to in regulation 12(1)(b) of the Northern Ireland EPO Regulations (requests from other member States to recognise a European protection order) was received by the central authority for Northern Ireland, and
- (b) the decision referred to in regulation 12(4) of the Northern Ireland EPO Regulations was not made in relation to that request.

(2) Subject to the modifications set out in paragraph (3), the following provisions of the Northern Ireland EPO Regulations continue to have effect on and after exit day in relation to that request as if they had not been revoked by regulation 10—

- (a) regulation 2;
- (b) regulation 11;
- (c) regulation 12(3) to (8);
- (d) regulation 13 (giving effect in Northern Ireland to a European protection order);
- (e) regulation 14(3) and (4) (procedural requirements relating to the making of a protection order)(3);
- (f) the Schedule (grounds for refusal to give effect to a European protection order).

(3) The modifications are—

- (a) regulation 12(6) is to be read as if—
 - (i) it were not subject to regulation 14, and
 - (ii) in sub-paragraph (a), the words “the competent authority of the issuing State and” were omitted;
- (b) regulation 14(3) is to be read as if sub-paragraph (b) were omitted;
- (c) paragraph 1 of the Schedule is to be read as if—
 - (i) at the end of sub-paragraph (a), “and” were omitted, and
 - (ii) sub-paragraph (b) were omitted.

(4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued on and after exit day to be a member State.

(5) Where, by virtue of this regulation, a restraining order is made in accordance with regulation 13(2) of the Northern Ireland EPO Regulations on or after exit day, a magistrates’ court may vary or discharge that order—

- (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
- (b) on an application by the person causing danger, or
- (c) of the court’s own motion.

(6) Where the magistrates’ court has exercised the power under paragraph (5), it must ensure that the following are informed of that decision—

- (a) the person causing danger, and
- (b) the protected person (or, where appropriate, the guardian or representative of the protected person).

(3) Regulation 14 was amended by [S.R. 2015 No. 353](#).

(7) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (6) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

Saving provision: European protection order modifications communicated, but not given effect to, before exit day

13.—(1) This regulation applies to a relevant case.

(2) For the purposes of this regulation, a “relevant case” is one in which, before exit day—

- (a) a European protection order was modified;
- (b) the documents referred to in regulation 17(1)(b) of the Northern Ireland EPO Regulations (modification of the European protection order (and giving effect to a modified order))(4) were sent to the central authority for Northern Ireland, and
- (c) the magistrates’ court did not give effect to the modified European protection order in accordance with regulation 17(3) of the Northern Ireland EPO Regulations.

(3) The following provisions of the Northern Ireland EPO Regulations continue to have effect on and after exit day in relation to a relevant case as if they had not been revoked by regulation 10, subject to the modifications set out in paragraph (4)—

- (a) regulation 2;
- (b) regulation 11;
- (c) regulation 17(1), (2), (3), (6), (7) and (8).

(4) The modifications are—

- (a) regulation 17(6) is to be read as if “or (5)” were omitted;
- (b) regulation 17(8) is to be given effect as though regulation 14(3)(b) were omitted.

(5) The provisions referred to in paragraph (3) are to be construed as if the United Kingdom continued on and after exit day to be a member State.

(6) Where a restraining order is varied in accordance with regulation 17(6) of the Northern Ireland EPO Regulations (as it applies by virtue of this regulation) on or after exit day, a magistrates’ court may vary or discharge that order—

- (a) on an application made by the protected person or by a guardian or representative of that person on their behalf;
- (b) on an application by the person causing danger, or
- (c) of the court’s own motion.

(7) Where the magistrates’ court has exercised the power under paragraph (6), it must ensure that the following are informed of that decision—

- (a) the person causing danger, and
- (b) the protected person (or, where appropriate, the guardian or representative of the protected person).

(8) The court must not provide the person causing danger with the address or contact details of the protected person under paragraph (7) unless the disclosure of those details is necessary to enable the person causing danger to comply with the order.

(4) Regulation 17 was amended by [S.R. 2015 No. 353](#).

Saving provision: European protection order revocation notifications made, but not given effect to, before exit day

14.—(1) This regulation applies where, before exit day—

- (a) a notification referred to in regulation 18(1)(b) of the Northern Ireland EPO Regulations (revocation of the European protection order) was made, and
- (b) the magistrates' court did not discharge the restraining order in accordance with regulation 18(3) of the Northern Ireland EPO Regulations.

(2) The following provisions of the Northern Ireland EPO Regulations continue to have effect on and after exit day in relation to the notification as if they had not been revoked by regulation 10—

- (a) regulation 2;
- (b) regulation 11;
- (c) regulation 18(2) and (3).

(3) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued on and after exit day to be a member State.

Consequential revocation

15. The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015⁽⁵⁾ are revoked.

(5) [S.R. 2015 No. 353](#).