
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 320

The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014

PART 3

Recognition in Northern Ireland of a European protection order made in a member State other than the United Kingdom

Requests from other member States to recognise a European protection order

12.—(1) This regulation applies if a competent authority of a member State other than the United Kingdom (“the issuing State”)—

- (a) makes a European protection order; and
- (b) makes a request for the recognition of the European protection order under the Directive.

(2) The competent authority of the issuing State makes a “request for the recognition of the European protection order under the Directive” if it or the central authority of the issuing State gives to the central authority for Northern Ireland the following documents —

- (a) the European protection order or a copy of it, using the form set out in Annex I to the Directive; and
- (b) if the form is not in English, a copy of the form translated into English.

(3) The central authority for Northern Ireland must give those documents to a magistrates’ court.

(4) The magistrates’ court must decide, without undue delay, whether any of the grounds for refusal to give effect to a European protection order in the Schedule apply.

(5) If the magistrates’ court decides that none of the grounds for refusal applies, it must give effect to the order under regulation 13.

(6) Subject to regulation 14, if the magistrates’ court decides that one or more of the grounds for refusal in the Schedule applies, it may refuse to recognise the European protection order and, where it does so, it must—

- (a) without undue delay, inform the competent authority of the issuing State and the protected person that it has decided not to recognise the European protection order and of the grounds for doing so;
- (b) where appropriate, ensure that the protected person is informed of the possibility of applying for a protection measure under the law of Northern Ireland;
- (c) ensure that the protected person is informed of any applicable legal remedy that may be available against the decision under the law of Northern Ireland.

(7) In paragraph (6)(b), “protection measure” is to be construed in accordance with regulation 3(1).

(8) Where a guardian or other representative is acting on a protected person's behalf, references in paragraph (6) to the protected person are to be read instead as references to the guardian or other representative.