SCHEDULE

Rule 5(2)

FORM 4

Form of application for refusal of enforcement of a judgement given in the European Small Claims Procedure under Article 22(1) of Regulation (EC) No 861/2007 of 11th July 2007

Form of application for refusal of enforcement of a judgment given in the European Small Claims Procedure under Article 22(1) of Regulation (EC) No 861/2007 of 11th July 2007

EUROPEAN SMALL CLAIMS PROCEDURE

Application under Article 22(1) of
Regulation (EC) No. 861/2007 of 11th July 2007

APPLICATION FOR

REFUSAL OF ENFORCEMENT OF A JUDGMENT GIVEN IN THE EUROPEAN SMALL CLAIMS PROCEDURE

UNDER ARTICLE 22(1) OF REGULATION (EC) NO 861/2007

Sheriff Court at [*insert court*]

Court ref:

I, [*insert name and address*], apply under Article 22(1) of Regulation (EC) No 861/2007 for the court to make an order refusing enforcement of a judgment given in the European Small Claims Procedure by the court on [*insert date*] in favour of [*name and address of claimant*], as the order is irreconcilable with an earlier judgment given in a Member State or a third country. [*Give details here of decision or order made and in which Member State or third country*], and:

- the earlier judgment involved the same cause of action and the same parties;

- the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and

- the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the United Kingdom.

I ask the court to intimate this application on the claimant.

(*Signed*)