
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision to facilitate the application of Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters (“the Protection Measures Regulation”). They extend to Scotland only.

Regulation 3 confers jurisdiction on the Court of Session, or the sheriff court which ordered the protection measure, upon request by the protected person, to issue a certificate under Article 5 of the Protection Measures Regulation, using the multilingual standard form. This certificate contains information enabling the protection measure ordered to be recognised in another Member State.

Regulation 3 also confers jurisdiction on the Court of Session, or the sheriff court which ordered the protection measure, to rectify or withdraw a certificate under Article 9 of the Protection Measures Regulation and to issue a certificate indicating suspension, limitation or withdrawal of the protection measure under Article 14 of the Protection Measures Regulation.

Regulation 4 confers jurisdiction upon the Court of Session and the sheriff court to enforce an incoming protection measure, adjust a factual element of an incoming protection measure, refuse to recognise or enforce an incoming protection measure and to suspend or withdraw the effects of recognition or enforcement of an incoming protection measure under Articles 4, 11, 13 and 14 of the Protection Measures Regulation respectively.

Regulation 5 provides that for the purposes of enforcing an incoming protection measure under Article 4 of the Protection Measures Regulation, the Court of Session and the sheriff court will have the same powers, and may undertake the same procedure for enforcement, as if the incoming protection measure was a protection measure in the form of an interdict ordered by those courts.