
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Law Enforcement and Security (Separation
Issues etc.) (EU Exit) Regulations 2020

PART 3

Amendments of the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019

Chapter 1

European Protection Orders: England and Wales

Amendment of interpretation provision

40. For regulation 3 (interpretation) substitute—

“**3.** In this Chapter, “the England and Wales EPO Regulations” means the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014(1).”.

Amendment of transitional and saving provision: restraining orders made before exit day

41. For regulation 5 (transitional and savings provision: restraining orders made before exit day), including its heading, substitute—

“Transitional and saving provision: requests to executing States to recognise European protection orders made in England and Wales

5.—(1) The following provisions of the England and Wales EPO Regulations continue to apply, as if they had not been revoked by regulation 4, to relevant European protection orders as defined in paragraph (2) below (and see Article 62(1)(k) of the withdrawal agreement and sections 7A and 7C of the European Union (Withdrawal) Act 2018)—

- (a) regulations 1 to 4;
- (b) regulation 6;
- (c) regulations 9 and 10.

(2) A relevant European protection order is one received before IP completion day by the competent authority of the executing State under regulation 9(2) of the England and Wales EPO Regulations (notifying the executing State of the European protection order), or by any other authority of the executing State with no competence to recognise a European protection order but which forwards it to the competent authority.

(3) For the purposes of this regulation—

- (a) “the competent authority” has the same meaning as in regulation 2(1) of the England and Wales EPO Regulations (interpretation – general);

- (b) “the executing State” has the same meaning as in regulations 3(2) and 4(5) of the England and Wales EPO Regulations (interpretation – Part 2 and power of a court to make a European protection order);
- (c) the provisions of the England and Wales EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.”.

Amendment of saving provision: requests for recognition of European protection orders received before exit day

42. For regulation 6 (saving provision: requests for recognition of European protection orders received but not determined before exit day), including its heading, substitute—

“Transitional and saving provision: recognition by England and Wales of European protection orders made by issuing States

6.—(1) The following provisions of the England and Wales EPO Regulations continue to apply, as if they had not been revoked by regulation 4, to relevant European protection orders as defined in paragraph (2) below—

- (a) regulations 1 and 2;
- (b) regulations 11 to 14;
- (c) regulations 16 to 19;
- (d) the Schedule (grounds for refusal to give effect to a European protection order).

(2) A relevant European protection order is one received from the issuing state before IP completion day by the central authority for England and Wales under regulation 12(2) of the England and Wales EPO Regulations (requests from other member States to recognise a European protection order), or any other authority of England and Wales with no competence to recognise a European protection order but which forwards it to the central authority.

(3) For the purposes of this regulation—

- (a) “the central authority for England and Wales” has the same meaning as in regulation 2(1) of the England and Wales EPO Regulations;
- (b) “the issuing State” has the same meaning as in regulations 11(2) and 12(1) of the England and Wales EPO Regulations (interpretation – Part 3 and the Schedule);
- (c) the provisions of the England and Wales EPO Regulations referred to in paragraph (1) are to be read as if the term “member State” included the United Kingdom.”.

Revocation of savings provisions

43. Omit regulations 7 (savings provision: European protection order modifications communicated, but not given effect to, before exit day) and 8 (saving provision: European protection order revocation notifications made, but not given effect to, before exit day).