

---

STATUTORY INSTRUMENTS

---

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 74**

**ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS**

**Textual Amendments**

**F1** Pt. 74 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 8](#)

**Modifications etc. (not altering text)**

**C1** [Pts. 70-74](#) applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)

**Contents of this part**

---

Scope of this Part and interpretation	Rule 74. 1
---------------------------------------	------------

---

**I**

**ENFORCEMENT IN ENGLAND AND WALES OF JUDGMENTS OF FOREIGN COURTS**

---

Interpretation	Rule 74.2
Applications for registration	Rule 74.3
[ <sup>F2</sup> Enforcement under the Judgments Regulation	74.3A]
Evidence in support	Rule 74.4
[ <sup>F3</sup> Procedure for enforcing judgments under the Judgments Regulation	74.4A]
Security for costs	Rule 74.5
Registration orders	Rule 74.6
Applications to set aside registration	Rule 74.7
[ <sup>F4</sup> Refusal of recognition or enforcement under the Judgments Regulation	74.7A
Relief against enforcement under the Judgments Regulation	74.7B

---

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

---

Suspension of proceedings in which a judgment is invoked under the Judgments Regulation 74.7C]

Appeals	Rule 74.8
Enforcement	Rule 74.9
Recognition	Rule 74.10
Authentic instruments and court settlements	Rule 74.11
[ <sup>F5</sup> Adaptation of certain orders in foreign judgments subject to the Judgments Regulation	74.11A]

---

## II

### ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS OF THE HIGH COURT AND [<sup>F6</sup>THE COUNTY COURT]

---

Application for a certified copy of a judgment	Rule 74.12
Evidence in support	Rule 74.13

---

## III

### ENFORCEMENT OF UNITED KINGDOM JUDGMENTS IN OTHER PARTS OF THE UNITED KINGDOM

---

Interpretation	Rule 74.14
Registration of money judgments in the High Court	Rule 74.15
Registration of non-money judgments in the High Court	Rule 74.16
Certificates of High Court and [ <sup>F7</sup> County Court] money judgments	Rule 74.17
Certified copies of High Court and [ <sup>F7</sup> County Court] non-money judgments	Rule 74.18

---

## IV

### ENFORCEMENT IN ENGLAND AND WALES OF EUROPEAN COMMUNITY JUDGMENTS

---

Interpretation	Rule 74.19
Application for registration of a Community judgment	Rule 74.20
Evidence in support	Rule 74.21
Registration orders	Rule 74.22
Application to vary or cancel registration	Rule 74.23

Enforcement	Rule 74.24
Application for registration of suspension order	Rule 74.25
Registration and enforcement of a Euratom inspection order	Rule 74.26

---

*[<sup>F8</sup>Section VI Recognition and enforcement of protection measures*

Interpretation	74.34
Procedure for applications in this Section	74.35
OUTGOING PROTECTION MEASURES	
Application for an Article 5 certificate	74.36
The court to which an application for an Article 5 certificate must be made	74.37
When a request for a translation of an Article 5 certificate may be made	74.38
The court to which a request for a translation of an Article 5 certificate must be made	74.39
Service requirements under Article 6	74.40
Notification of the certificate under Article 8	74.41
Rectification of an Article 5 certificate	74.42
Withdrawal of an Article 5 certificate	74.43
When an application for an Article 14 certificate may be made	74.44
The court to which an application for an Article 14 certificate must be made	74.45
INCOMING PROTECTION MEASURES	
Application for adjustment under Article 11	74.46
Notification of the adjustment under Article 11	74.47
Enforcement of incoming protection measures	74.48
Application for refusal of recognition or enforcement under Article 13	74.49
Application under Article 14(2)	74.50]

---

**Scope of this Part and interpretation**

**74.1.**—(1) Section I of this Part applies to the enforcement in England and Wales of judgments of foreign courts.

(2) Section II applies to the enforcement in foreign countries of judgments of the High Court and of [<sup>F9</sup>the County Court] .

(3) Section III applies to the enforcement of United Kingdom judgments in other parts of the United Kingdom.

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

(4) Section IV applies to the enforcement in England and Wales of European Community judgments and Euratom inspection orders.

[  
F10(4A) Section V applies to—

- (a) the certification of judgments and court settlements in England and Wales as European Enforcement Orders; and
- (b) the enforcement in England and Wales of judgments, court settlements and authentic instruments certified as European Enforcement Orders by other Member States.]

[  
F11(4B) Section VI applies to—

- (a) the certification in England and Wales of outgoing protection measures; and
- (b) the enforcement in England and Wales of certified protection measures from Member States of the European Union other than the United Kingdom or Denmark.]

(5) In this Part—

- (a) “the 1920 Act” means the Administration of Justice Act 1920(1);
- (b) “the 1933 Act” means the Foreign Judgments (Reciprocal Enforcement) Act 1933(2);
- (c) “the 1982 Act” means the Civil Jurisdiction and Judgments Act 1982(3);

[F12(d) “the Judgments Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), as amended from time to time and as applied pursuant to the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

(For application of the recast Judgments Regulation to Denmark, see also the Official Journal of the European Union at OJ L79, 21.3.2013. p.4)]

[ “the EEO Regulation” means Council Regulation (EC) No 805/2004 creating a European  
F13(e) Enforcement Order for uncontested claims.]

[ “the Lugano Convention” means the Convention on jurisdiction and the recognition  
F14(f) and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark and signed by the European Community on 30<sup>th</sup> October 2007.]

F15 ...

#### Textual Amendments

**F9** Words in *Rules* substituted (22.4.2014) by *The Civil Procedure (Amendment) Rules 2014* (S.I. 2014/407), rules 2(1), 4(a)(iii); S.I. 2014/954, art. 2(a)

**F10** Rule 74.1(4A) inserted (21.10.2005) by *The Civil Procedure (Amendment No.3) Rules 2005* (S.I. 2005/2292), rules 1(b), 50(a)

**F11** Rule 74.1(4B) inserted (11.1.2015) by *The Civil Procedure (Amendment No. 8) Rules 2014* (S.I. 2014/3299), rules 2(b), 13(b)

(1) 1978 c. 33.

(2) 1981 c. 54. Section 35A was inserted by the Administration of Justice Act 1982 (c. 53), section 15(1), Schedule 1, Part I.

(3) 1984 c. 28. Section 69 was amended by the Courts and Legal Services Act 1990 (c. 41), section 125(3), Schedule 18, paragraph 46.

- F12** Rule 74.1(5)(d) substituted (10.1.2015) by The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(3)(a)** (with rule 6)
- F13** Rule 74.1(5)(e) inserted (21.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(b), **50(b)**
- F14** Rule 74.1(5)(f) inserted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), regs. 1(1), **35** (with reg. 48)
- F15** Words in rule 74.1 omitted (10.1.2015) by virtue of The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(3)(b)** (with rule 6)

## ***I: ENFORCEMENT IN ENGLAND AND WALES OF JUDGMENTS OF FOREIGN COURTS***

### **Interpretation**

**74.2.—**(1) In this Section—

- (a) “Contracting State” has the meaning given in section 1(3) of the 1982 Act;
- <sup>F16</sup>(b) “Regulation State” means a Member State;]
- (c) “judgment” means, subject to any other enactment, any judgment given by a foreign court or tribunal, whatever the judgment may be called, and includes—
- (i) a decree;
  - (ii) an order;
  - (iii) a decision;
  - (iv) a writ of execution [<sup>F17</sup>or a writ of control]; and
  - (v) the determination of costs by an officer of the court;
- (d) “State of origin”, in relation to any judgment, means the State in which that judgment was given<sup>F18</sup>;
- [ “writ of control” is to be construed in accordance with section 62(4) of the Tribunals,  
<sup>F19</sup>(e) Courts and Enforcement Act 2007;
- (f) “writ of execution” includes—
- (i) a writ of possession;
  - (ii) a writ of delivery;
  - (iii) a writ of sequestration;
  - (iv) a writ of fieri facias de bonis ecclesiasticis,
- and any further writ in favour of any such writs, but does not include a writ of control.]
- (2) For the purposes of this Section, “domicile” is to be determined—
- (a) in an application under the 1982 Act<sup>F20</sup>or the Lugano Convention], in accordance with sections 41 to 46 that Act;
  - (b) in an application under the Judgments Regulation, in accordance with paragraphs 9 to 12 of Schedule 1 to the Civil Jurisdiction and Judgments Order 2001(4).

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 74. (See end of Document for details)

**Textual Amendments**

- F16** Words in rule 74.2(1)(b) substituted (1.7.2007) by [The Civil Jurisdiction and Judgments Regulations 2007 \(S.I. 2007/1655\)](#), reg. 1, **Sch. para. 31(b)**
- F17** Words in rule 74.2(1)(c)(iv) inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **34(b)(i)** (with rule 41)
- F18** Rule 74.2(1)(d): semicolon substituted for full stop (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **34(b)(ii)** (with rule 41)
- F19** Rule 74.2(1)(e)(f) inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **34(b)(iii)** (with rule 41)
- F20** Words in rule 74.2(2)(a) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **36** (with reg. 48)

**Applications for registration**

**74.3.—**(1) This Section provides rules about applications under—

- (a) section 9 of the 1920 Act, in respect of judgments to which Part II of that Act applies;
- (b) section 2 of the 1933 Act, in respect of judgments to which Part I of that Act applies;
- (c) section 4 of the 1982 Act; and

<sup>F21</sup>(d) .....

[ the Lugano Convention,]

<sup>F22</sup>[<sup>F23</sup>(d)]

for the registration of foreign judgments for enforcement in England and Wales.

(2) Applications—

- (a) must be made to the High Court; and
- (b) may be made without notice.

**Textual Amendments**

- F21** Rule 74.3(1)(d) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(4)(b)** (with rule 6)
- F22** Rule 74.3(1)(e) and word inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **37** (with reg. 48)
- F23** Rule 74.3(1)(e) renumbered as rule 74.3(1)(d) (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(4)(c)** (with rule 6)

<sup>F24</sup>**Enforcement under the Judgments Regulation**

**74.3A.—**(1) This Section also provides rules about—

- (a) the enforcement of foreign judgments in England and Wales under the Judgments Regulation; and
- (b) applications for the refusal of recognition and enforcement under the Judgments Regulation.]

### Textual Amendments

**F24** Rule 74.3A inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(5)** (with rule 6)

### Evidence in support

**74.4.**—(1) An application for registration of a judgment under the 1920, 1933 or 1982 Act must be supported by written evidence exhibiting—

- (a) the judgment or a verified or certified or otherwise authenticated copy of it; and
- (b) where the judgment is not in English, a translation of it into English—
  - (i) certified by a notary public or other qualified person; or
  - (ii) accompanied by written evidence confirming that the translation is accurate.

(2) The written evidence in support of the application must state—

- (a) the name of the judgment creditor and his address for service within the jurisdiction;
- (b) the name of the judgment debtor and his address or place of business, if known;
- (c) the grounds on which the judgment creditor is entitled to enforce the judgment;
- (d) in the case of a money judgment, the amount in respect of which it remains unsatisfied; and
- (e) where interest is recoverable on the judgment under the law of the State of origin—
  - (i) the amount of interest which has accrued up to the date of the application, or
  - (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.

(3) Written evidence in support of an application under the 1920 Act must also state that the judgment is not a judgment—

- (a) which under section 9 of that Act may not be ordered to be registered; or
- (b) to which section 5 of the Protection of Trading Interests Act 1980(5) applies.

(4) Written evidence in support of an application under the 1933 Act must also—

- (a) state that the judgment is a money judgment;
- (b) confirm that it can be enforced by execution in the State of origin;
- (c) confirm that the registration could not be set aside under section 4 of that Act;
- (d) confirm that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980 applies;
- (e) where the judgment contains different provisions, some but not all of which can be registered for enforcement, set out those provisions in respect of which it is sought to register the judgment; and
- (f) be accompanied by any further evidence as to—
  - (i) the enforceability of the judgment in the State of origin, and
  - (ii) the law of that State under which any interest has become due under the judgment, which may be required under the relevant Order in Council extending Part I of the 1933 Act to that State.

(5) Written evidence in support of an application under the 1982 Act must also exhibit—

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

- (a) documents which show that, under the law of the State of origin, the judgment is enforceable on the judgment debtor and has been served;
- (b) in the case of a judgment in default, a document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document; and
- (c) where appropriate, a document showing that the judgment creditor is in receipt of legal aid in the State of origin.

[<sup>F25</sup>(6) An application for registration under <sup>F26</sup>... the Lugano Convention must, in addition to the evidence required by <sup>F27</sup>... that Convention, be supported by the evidence required by paragraphs (1)(b) and (2)(e) of this rule.]

#### Textual Amendments

- F25** Rule 74.4(6) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **38** (with [reg. 48](#))
- F26** Words in rule 74.4(6) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(6)(a)** (with [rule 6](#))
- F27** Words in rule 74.4(6) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(6)(b)** (with [rule 6](#))

#### [<sup>F28</sup>Procedure for enforcing judgments under the Judgments Regulation

**74.4A.** A person seeking the enforcement of a judgment which is enforceable under the Judgments Regulation must, except in a case falling within article 43(3) of the Regulation (protective measures), provide the documents required by article 42 of the Regulation.]

#### Textual Amendments

- F28** [Rule 74.4A](#) inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(7)** (with [rule 6](#))

#### Security for costs

**74.5.—**(1) Subject to paragraphs (2) and (3), section II of Part 25 applies to an application for security for the costs of—

- (a) the application for registration;
- (b) any proceedings brought to set aside the registration; <sup>F29</sup>...
- (c) any appeal against the granting of the registration [<sup>F30</sup>; and]

[ any application relating to the recognition or enforcement of a judgment pursuant to the <sup>F31</sup>(d) Judgments Regulation]

as if the judgment creditor were a claimant.

(2) A judgment creditor making an application under the 1982 Act or [<sup>F32</sup>, the Lugano Convention,] the Judgments Regulation may not be required to give security solely on the ground that he is resident out of the jurisdiction.

(3) Paragraph (1) does not apply to an application under the 1933 Act where the relevant Order in Council otherwise provides.



### Textual Amendments

- F29** Word in rule 74.5(1)(b) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(8)(a)** (with rule 6)
- F30** Word in rule 74.5(1)(c) substituted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(8)(b)** (with rule 6)
- F31** Rule 74.5(1)(d) inserted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(8)(c)** (with rule 6)
- F32** Words in rule 74.5(2) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **39** (with reg. 48)

### Registration orders

**74.6.—(1)** An order granting permission to register a judgment (“registration order”) must be drawn up by the judgment creditor and served on the judgment debtor—

- (a) by delivering it to <sup>F33</sup>[the judgment debtor] personally;
- <sup>F34</sup>(b) by any of the methods of service permitted under the Companies Act 2006; or
- (c) in such other manner as the court may direct.

(2) Permission is not required to serve a registration order out of the jurisdiction, and rules <sup>F35</sup>6.40, 6.42, 6.43 and 6.46] apply to such an order as they apply to a claim form.

(3) A registration order must state—

- (a) full particulars of the judgment registered;
- (b) the name of the judgment creditor and his address for service within the jurisdiction;
- (c) the right of the judgment debtor—
  - (i) in the case of registration following an application under the 1920 or the 1933 Act, to apply to have the registration set aside;
  - (ii) in the case of registration following an application under the 1982 Act<sup>F36</sup>, the Lugano Convention, <sup>F37</sup>... to appeal against the registration order;
- (d) the period within which such an application or appeal may be made; and
- (e) that no measures of enforcement will be taken before the end of that period, other than measures ordered by the court to preserve the property of the judgment debtor.

### Textual Amendments

- F33** Words in rule 74.6(1)(a) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **37(a)(i)**
- F34** Rule 74.6(1)(b) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **15(a)**
- F35** Words in rule 74.6(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **37(a)(iii)**
- F36** Words in rule 74.6(3)(c)(ii) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **40** (with reg. 48)
- F37** Words in rule 74.6(3)(c)(ii) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(9)(b)** (with rule 6)

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

### Applications to set aside registration

**74.7.**—(1) An application to set aside registration under the 1920 or the 1933 Act must be made within the period set out in the registration order.

(2) The court may extend that period; but an application for such an extension must be made before the end of the period as originally fixed or as subsequently extended.

(3) The court hearing the application may order any issue between the judgment creditor and the judgment debtor to be tried.

### [<sup>F38</sup> Refusal of recognition or enforcement under the Judgments Regulation

**74.7A.**—(1) An application under article 45 or 46 of the Judgments Regulation that the court should refuse to recognise or enforce a judgment must be made—

- (a) in accordance with Part 23; and
- (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court.

(2) An appeal against a decision granting or refusing an application for refusal of recognition or enforcement of a judgment under the Judgments Regulation must be made in accordance with Part 52, subject to the following provisions of this rule.

(3) Permission is not required to—

- (a) appeal; or
- (b) put in evidence.

(4) Unless the court orders otherwise, the judgment debtor must, as soon as practicable, serve copies of any order made under article 45 or 46 or in any appeal under article 49 on—

- (a) all other parties to the proceedings and any other person affected by the order;
- (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
- (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,

and any such order will not have effect on any person until it has been served.

(5) The court may require the judgment creditor to disclose to the judgment debtor the court or courts in which any proceedings relating to enforcement of the judgment are pending in England and Wales.

#### Textual Amendments

**F38** Rules 74.7A-74.7C inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(10)** (with rule 6)

### Relief against enforcement under the Judgments Regulation

**74.7B.**—(1) An application for relief under article 44 of the Judgments Regulation must be made—

- (a) in accordance with Part 23; and
- (b) to the court in which the judgment is being enforced or, if the judgment debtor is not aware of any proceedings relating to enforcement, the High Court.

(2) The judgment debtor must, as soon as practicable, serve copies of any order made under article 44 on—

- (a) all other parties to the proceedings and any other person affected by the order;
- (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
- (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,

and any such order will not have effect on any person until it has been served.

#### Textual Amendments

**F38** Rules 74.7A-74.7C inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(10)** (with rule 6)

### Suspension of proceedings in which a judgment is invoked under the Judgments Regulation

**74.7C.**—(1) The court may suspend proceedings under article 38 of the Judgments Regulation either on its own initiative or on the application of any party.

(2) An application for suspension of proceedings under article 38 of the Judgments Regulation must be made—

- (a) in accordance with Part 23; and
- (b) to the court in which the judgment is invoked.

(3) The judgment debtor must, as soon as practicable, serve copies of any order made under article 38 on—

- (a) all other parties to the proceedings and any other person affected by the order;
- (b) any court in which proceedings relating to enforcement of the judgment are pending in England and Wales; and
- (c) any enforcement agent or enforcement officer (as defined in rule 83.1(2)) instructed by the judgment creditor,

and any such order will not have effect on any person until it has been served.]

#### Textual Amendments

**F38** Rules 74.7A-74.7C inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(10)** (with rule 6)

### Appeals

**74.8.**—(1) An appeal against the granting or the refusal of registration under the 1982 Act or the [<sup>F39</sup>Lugano Convention]<sup>F40</sup> ... must be made in accordance with Part 52, subject to the following provisions of this rule.

(2) Permission is not required—

- (a) to appeal; or
- (b) to put in evidence.

(3) If—

- (a) the judgment debtor is not domiciled within a Contracting State <sup>F41</sup> ..., and

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

(b) an application to extend the time for appealing is made within two months of service of the registration order,  
the court may extend the period for filing an appellant’s notice against the order granting registration, but not on grounds of distance.

- (4) The appellant’s notice must be served—
- (a) where the appeal is against the granting of registration, within—
    - (i) one month; or
    - (ii) where service is to be effected on a party not domiciled within the jurisdiction, two months, of service of the registration order;
  - (b) where the appeal is against the refusal of registration, within one month of the decision on the application for registration.

#### Textual Amendments

- F39** Words in [rule 74.8\(1\)](#) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [regs. 1\(1\)](#), [41](#) (with [reg. 48](#))
- F40** Words in [rule 74.8\(1\)](#) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), [rules 2](#), [5\(11\)\(a\)](#) (with [rule 6](#))
- F41** Words in [rule 74.8\(3\)\(a\)](#) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), [rules 2](#), [5\(11\)\(b\)](#) (with [rule 6](#))

#### [<sup>F42</sup>Enforcement

**74.9.—(1)** In relation to enforcement of a judgment to which the Judgments Regulation applies, the judgment creditor must comply with article 43 of the Regulation.

(2) In relation to a judgment to which the Judgments Regulation does not apply, no steps may be taken to enforce the judgment—

- (a) before the end of the period specified in accordance with [rule 74.6\(3\)\(d\)](#), or that period as extended by the court; or
- (b) where there is an application under [rule 74.7](#) or an appeal under [rule 74.3](#), until the application or appeal has been determined.

(3) Any party wishing to enforce a judgment to which the Judgments Regulation does not apply must file evidence of the service on the judgment debtor of—

- (a) the registration order; and
- (b) any other relevant order of the court.

(4) Nothing in this rule prevents the court from making orders to preserve the property of the judgment debtor pending final determination of any issue relating to the enforcement of the judgment.]

#### Textual Amendments

- F42** [Rule 74.9](#) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), [rules 2](#), [5\(12\)](#) (with [rule 6](#))

## Recognition

**[<sup>F43</sup>74.10.**—(1) Registration of a judgment serves as a decision that the judgment is recognised for the purposes of the 1982 Act [<sup>F44</sup>and] the Lugano Convention <sup>F45</sup>....

(2) An application for recognition of a judgment is governed by the same rules as an application for registration of a judgment under the 1982 Act [<sup>F46</sup>and] the Lugano Convention <sup>F45</sup>..., except that rule 74.4(5)(a) and (c) does not apply.]

### Textual Amendments

- F43** Rule 74.10(1)(2) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **42** (with reg. 48)
- F44** Word in rule 74.10(1) substituted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(13)(a)** (with rule 6)
- F45** Words in rule 74.10(1)(2) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(13)(b)** (with rule 6)
- F46** Word in rule 74.10(2) substituted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(13)(a)** (with rule 6)

## Authentic instruments and court settlements

**[<sup>F47</sup>74.11** The rules governing the registration of judgments under the 1982 Act [<sup>F48</sup>and] the Lugano Convention [<sup>F49</sup>and applications for the refusal of recognition or enforcement or suspension of any judgments under] the Judgments Regulation apply as appropriate and with any necessary modifications for the enforcement of—

- (a) authentic instruments which are subject to—
- (i) article 50 of Schedule 3C to the 1982 Act;
  - (ii) article 57 of the Lugano Convention; and
  - (iii) [<sup>F50</sup>article 58] of the Judgments Regulation; and
- (b) court settlements which are subject to—
- (i) article 51 of Schedule 1 to the 1982 Act;
  - (ii) article 58 of the Lugano Convention; and
  - (iii) [<sup>F51</sup>articles 59 and 60] of the Judgments Regulation.]

### Textual Amendments

- F47** Rule 74.11 substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), regs. 1(1), **43** (with reg. 48)
- F48** Word in rule 74.11 substituted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(14)(a)(i)** (with rule 6)
- F49** Words in rule 74.11 substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(14)(a)(ii)** (with rule 6)
- F50** Words in rule 74.11(a)(iii) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(14)(b)** (with rule 6)
- F51** Words in rule 74.11(b)(iii) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(14)(c)** (with rule 6)

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

## **[<sup>F52</sup>Adaptation of certain orders in foreign judgments subject to the Judgments Regulation**

**74.11A.**—(1) In this rule, an “adaptation order” means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of England and Wales pursuant to article 54 of the Judgments Regulation.

(2) The court may make an adaptation order on its own initiative or on an application by any party.

(3) In accordance with article 54(1) of the Judgments Regulation, an adaptation order may only result in a remedy whose legal effects are equivalent to those contained in the judgment and which does not produce such effects extending beyond those provided for under the law of England and Wales.

(4) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure without an adaptation order must be made—

- (a) to the High Court; and
- (b) in accordance with Part 23.]

### **Textual Amendments**

**F52** Rule 74.11A inserted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014 \(S.I. 2014/2948\)](#), rules 2, **5(15)** (with rule 6)

## **II: ENFORCEMENT IN FOREIGN COUNTRIES OF JUDGMENTS OF THE HIGH COURT AND [<sup>F53</sup>THE COUNTY COURT]**

### **Textual Amendments**

**F53** Words in [Pt. 74 Section 2](#) heading substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **34(b)(iv)** (with rule 41)

### **Application for a certified copy of a judgment**

**74.12.**—(1) This Section applies to applications—

- (a) to the High Court under section 10 of the 1920 Act;
- (b) to the High Court or to [<sup>F54</sup>the County Court] under section 10 of the 1933 Act;
- (c) to the High Court or to [<sup>F54</sup>the County Court] under section 12 of the 1982 Act; or
- (d) to the High Court or to [<sup>F54</sup>the County Court] under [<sup>F55</sup>article 53] of the Judgments Regulation[<sup>F56</sup>or under article 54 of the Lugano Convention].

[<sup>F57</sup>(2) A judgment creditor who wishes to enforce in a foreign country a judgment obtained in the High Court or in the County Court—

- (a) must apply for a certified copy of the judgment; and
  - (b) if applying under article 53 of the Judgments Regulation, must apply to the court which gave the judgment by filing a draft of the certificate in the form in Annex I to the Judgments Regulation.]
- (3) The application may be made without notice.

### Textual Amendments

- F54** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), [4\(a\)\(i\)](#); S.I. 2014/954, art. 2(a)
- F55** Words in [rule 74.12\(1\)\(d\)](#) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), rules 2, [5\(16\)\(a\)](#) (with rule 6)
- F56** Words in [rule 74.12\(1\)\(d\)](#) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009](#) (S.I. 2009/3131), regs. 1(1), [44](#) (with reg. 48)
- F57** [Rule 74.12\(2\)](#) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), rules 2, [5\(16\)\(b\)](#) (with rule 6)

### Evidence in support

- 74.13.**—(1) The application must be supported by written evidence exhibiting copies of—
- (a) the claim form in the proceedings in which judgment was given;
  - (b) evidence that it was served on the defendant;
  - (c) the statements of case; and
  - (d) where relevant, a document showing that for those proceedings the applicant was <sup>F58</sup>a person to whom legal aid, as defined in rule 44.1, was provided].
- (2) The written evidence must—
- (a) identify the grounds on which the judgment was obtained;
  - (b) state whether the defendant objected to the jurisdiction and, if he did, the grounds of his objection;
  - (c) show that the judgment—
    - (i) has been served in accordance with Part 6 and rule 40.4, and
    - (ii) is not subject to a stay of execution;
  - (d) state—
    - (i) the date on which the time for appealing expired or will expire;
    - (ii) whether an appeal notice has been filed;
    - (iii) the status of any application for permission to appeal; and
    - (iv) whether an appeal is pending;
  - (e) state whether the judgment provides for the payment of a sum of money, and if so, the amount in respect of which it remains unsatisfied;
  - (f) state whether interest is recoverable on the judgment, and if so, either—
    - (i) the amount of interest which has accrued up to the date of the application, or
    - (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.

### Textual Amendments

- F58** Words in [rule 74.13\(1\)\(d\)](#) substituted (1.4.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Consequential, Transitional and Saving Provisions\) Regulations 2013](#) (S.I. 2013/534), reg. 1, [Sch. para. 13\(b\)](#) (with reg. 14(2))

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

### **III: ENFORCEMENT OF UNITED KINGDOM JUDGMENTS IN OTHER PARTS OF THE UNITED KINGDOM**

#### **Interpretation**

**74.14** In this Section—

- (a) “money provision” means a provision for the payment of one or more sums of money in a judgment whose enforcement is governed by section 18 of, and Schedule 6 to, the 1982 Act; and
- (b) “non-money provision” means a provision for any relief or remedy not requiring payment of a sum of money in a judgment whose enforcement is governed by section 18 of, and Schedule 7 to, the 1982 Act.

#### **Registration of money judgments in the High Court**

**74.15.**—(1) This rule applies to applications to the High Court under paragraph 5 of Schedule 6 to the 1982 Act for the registration of a certificate for the enforcement of the money provisions of a judgment—

- (a) which has been given by a court in another part of the United Kingdom, and
- (b) to which section 18 of that Act applies.

(2) The certificate must within six months of the date of its issue be filed in the Central Office of the [<sup>F59</sup>Senior Courts], together with a copy certified by written evidence to be a true copy.

#### **Textual Amendments**

**F59** Words in [rule 74.15\(2\)](#) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), [rules 1\(2\)](#), [15\(b\)](#)

#### **Registration of non-money judgments in the High Court**

**74.16.**—(1) This rule applies to applications to the High Court under paragraph 5 of Schedule 7 to the 1982 Act for the registration for enforcement of the non-money provisions of a judgment—

- (a) which has been given by a court in another part of the United Kingdom, and
- (b) to which section 18 of that Act applies.

(2) An application under paragraph (1) may be made without notice.

(3) An application under paragraph (1) must be accompanied—

- (a) by a certified copy of the judgment issued under Schedule 7 to the 1982 Act; and
- (b) by a certificate, issued not more than six months before the date of the application, stating that the conditions set out in paragraph 3 of Schedule 7 are satisfied in relation to the judgment.

(4) Rule 74.6 applies to judgments registered under Schedule 7 to the 1982 Act as it applies to judgments registered under section 4 of that Act.

(5) Rule 74.7 applies to applications to set aside the registration of a judgment under paragraph 9 of Schedule 7 to the 1982 Act as it applies to applications to set aside registrations under the 1920 and 1933 Acts.



### Certificates of High Court and [<sup>F7</sup>County Court] money judgments

**74.17.**—(1) This rule applies to applications under paragraph 2 of Schedule 6 to the 1982 Act for a certificate to enable the money provisions of a judgment of the High Court or of [<sup>F54</sup>the County Court] to be enforced in another part of the United Kingdom.

(2) The judgment creditor may apply for a certificate by filing at the court where the judgment was given or has been entered written evidence stating—

- (a) the name and address of the judgment creditor and, if known, of the judgment debtor;
- (b) the sums payable and unsatisfied under the money provisions of the judgment;
- (c) where interest is recoverable on the judgment, either—
  - (i) the amount of interest which has accrued up to the date of the application, or
  - (ii) the rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue;
- (d) that the judgment is not stayed;
- (e) the date on which the time for appealing expired or will expire;
- (f) whether an appeal notice has been filed;
- (g) the status of any application for permission to appeal; and
- (h) whether an appeal is pending.

#### Textual Amendments

- F7** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\)](#), [4\(a\)\(ii\)](#); S.I. 2014/954, art. 2(a)
- F54** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\)](#), [4\(a\)\(i\)](#); S.I. 2014/954, art. 2(a)

### Certified copies of High Court and [<sup>F7</sup>County Court] non-money judgments

**74.18.**—(1) This rule applies to applications under paragraph 2 of Schedule 7 to the 1982 Act for a certified copy of a judgment of the High Court or of [<sup>F54</sup>the County Court] to which section 18 of the Act applies and which contains non-money provisions for enforcement in another part of the United Kingdom.

(2) An application under paragraph (1) may be made without notice.

(3) The applicant may apply for a certified copy of a judgment by filing at the court where the judgment was given or has been entered written evidence stating—

- (a) full particulars of the judgment;
- (b) the name and address of the judgment creditor and, if known, of the judgment debtor;
- (c) that the judgment is not stayed;
- (d) the date on which the time for appealing expired or will expire;
- (e) whether an appeal notice has been filed;
- (f) the status of any application for permission to appeal; and
- (g) whether an appeal is pending.

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

#### Textual Amendments

- F7** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\)](#), [4\(a\)\(ii\)](#); S.I. 2014/954, art. 2(a)
- F54** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\)](#), [4\(a\)\(i\)](#); S.I. 2014/954, art. 2(a)

### **IV: ENFORCEMENT IN ENGLAND AND WALES OF EUROPEAN COMMUNITY JUDGMENTS**

#### Interpretation

**74.19** In this Section—

- (a) “Community judgment” means any judgment, decision or order which is enforceable under—
- (i) [<sup>F60</sup>article 280 or 299 of the Treaty on the Functioning of the European Union];
  - (ii) article 18 <sup>F61</sup>... or 164 of the Euratom Treaty;
  - <sup>F62</sup>(iii) .....
  - (iv) article [<sup>F63</sup>86 of Council Regulation (EC) 207/2009 of 26 February 2009] on the Community trade mark; <sup>F64</sup>[<sup>F65</sup>...  
[ article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community  
<sup>F66</sup>(v) designs;
  - (vi) article 36a or 36b of Regulation (EC) 1060/2009 on credit rating agencies; or
  - (vii) article 65 or 66 of Regulation (EU) 648/2012 on OTC derivatives, central counterparties and trade repositories;]
  - (v) article 71 of Council Regulation (EC) 6/2002 of 12 December 2001 on Community designs;]
- (b) “Euratom inspection order” means an order made by the President of the European Court, or a decision of the Commission of the European [<sup>F67</sup>Union], under article 81 of the Euratom Treaty;
- (c) “European Court” means the Court of Justice of the European [<sup>F68</sup>Union];
- (d) “order for enforcement” means an order under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom.

#### Textual Amendments

- F60** Words in [rule 74.19](#) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), [rules 2](#), [5\(17\)\(a\)\(i\)](#) (with [rule 6](#))
- F61** Word in [rule 74.19](#) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), [rules 2](#), [5\(17\)\(a\)\(ii\)](#) (with [rule 6](#))
- F62** Words in [rule 74.19](#) omitted (10.1.2015) by virtue of [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), [rules 2](#), [5\(17\)\(a\)\(iii\)](#) (with [rule 6](#))
- F63** Words in [rule 74.19](#) substituted (10.1.2015) by [The Civil Procedure \(Amendment No. 7\) Rules 2014](#) (S.I. 2014/2948), [rules 2](#), [5\(17\)\(a\)\(iv\)](#) (with [rule 6](#))

- F64** Word in rule 74.19 omitted (10.1.2015) by virtue of The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(17)(a)(v)** (with rule 6)
- F65** Rule 74.19(a)(v) and word inserted (1.4.2004) by The Civil Procedure (Amendment No. 5) Rules 2003 (S.I. 2003/3361), rules 1(c), **18(b)**
- F66** Words in rule 74.19 inserted (10.1.2015) by The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(17)(a)(vi)** (with rule 6)
- F67** Word in rule 74.19 substituted (10.1.2015) by The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(17)(b)** (with rule 6)
- F68** Word in rule 74.19 substituted (10.1.2015) by The Civil Procedure (Amendment No. 7) Rules 2014 (S.I. 2014/2948), rules 2, **5(17)(c)** (with rule 6)

### Application for registration of a Community judgment

**74.20** An application to the High Court for the registration of a Community judgment may be made without notice.

### Evidence in support

- 74.21.**—(1) An application for registration must be supported by written evidence exhibiting—
- (a) the Community judgment and the order for its enforcement, or an authenticated copy; and
  - (b) where the judgment is not in English, a translation of it into English—
    - (i) certified by a notary public or other qualified person; or
    - (ii) accompanied by written evidence confirming that the translation is accurate.
- (2) Where the application is for registration of a Community judgment which is a money judgment, the evidence must state—
- (a) the name of the judgment creditor and his address for service within the jurisdiction;
  - (b) the name of the judgment debtor and his address or place of business, if known;
  - (c) the amount in respect of which the judgment is unsatisfied; and
  - (d) that the European Court has not suspended enforcement of the judgment.

### Registration orders

**74.22.**—(1) A copy of the order granting permission to register a Community judgment (“the registration order”) must be served on every person against whom the judgment was given.

(2) The registration order must state the name and address for service of the person who applied for registration, and must exhibit—

- (a) a copy of the registered Community judgment; and
- (b) a copy of the order for its enforcement.

(3) In the case of a Community judgment which is a money judgment, the registration order must also state the right of the judgment debtor to apply within 28 days for the variation or cancellation of the registration under rule 74.23.

### Application to vary or cancel registration

**74.23.**—(1) An application to vary or cancel the registration of a Community judgment which is a money judgment on the ground that at the date of registration the judgment had been partly or wholly satisfied must be made within 28 days of the date on which the registration order was served on the judgment debtor.

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

- (2) The application must be supported by written evidence.

### Enforcement

**74.24** No steps may be taken to enforce a Community judgment which is a money judgment—

- (a) before the end of the period specified in accordance with rule 74.23(1); or
- (b) where an application is made under that rule, until it has been determined.

### Application for registration of suspension order

**74.25.**—(1) Where the European Court has made an order that the enforcement of a registered Community judgment should be suspended, an application for the registration of that order in the High Court is made by filing a copy of the order in the Central Office of the [<sup>F69</sup>Senior Courts].

- (2) The application may be made without notice.

#### Textual Amendments

**F69** Words in rule 74.25(1) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **15(c)**

### Registration and enforcement of a Euratom inspection order

**74.26.**—(1) Rules 74.20, 74.21(1), and 74.22(1) and (2), which apply to the registration of a Community judgment, also apply to the registration of a Euratom inspection order but with the necessary modifications.

(2) An application under article 6 of the European Communities (Enforcement of Community Judgments) Order 1972(6) to give effect to a Euratom inspection order may be made on written evidence, and—

- (a) where the matter is urgent, without notice;
- (b) otherwise, by claim form.]

#### *[<sup>F70</sup>V EUROPEAN ENFORCEMENT ORDERS*

#### Textual Amendments

**F70** Pt. 74 Section 5 inserted (21.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rule 1(b), **Sch. 3**

### Interpretation

**74.27** In this Section—

- (a) “European Enforcement Order” has the meaning given in the EEO Regulation;
- (b) “EEO” means European Enforcement Order;
- (c) “judgment”, “authentic instrument”, “member state of origin”, “member state of enforcement”, and “court of origin” have the meanings given by Article 4 of the EEO Regulation; and

(6) 1995 c. 21.

- (d) “Regulation State” has the same meaning as “Member State” in the EEO Regulation, that is all Member States except Denmark.

### Certification of Judgments of the Courts of England and Wales

**74.28** An application for an EEO certificate must be made by filing the relevant practice form in accordance with Article 6 of the EEO Regulation.

### Applications for a certificate of lack or limitation of enforceability

**74.29** An application under Article 6(2) of the EEO Regulation for a certificate indicating the lack or limitation of enforceability of an EEO certificate must be made to the court of origin by application in accordance with Part 23.

### Applications for rectification or withdrawal

**74.30** An application under Article 10 of the EEO Regulation for rectification or withdrawal of an EEO certificate must be made to the court of origin and may be made by application in accordance with Part 23.

### Enforcement of European Enforcement Orders in England and Wales

**74.31.**—(1) A person seeking to enforce an EEO in England and Wales must lodge at the court in which enforcement proceedings are to be brought the documents required by Article 20 of the EEO Regulation.

[<sup>F71</sup>(2) Where a person applies to enforce an EEO expressed in a foreign currency, the application must contain a certificate of the sterling equivalent of the judgment sum at the close of business on the date nearest preceding the date of the application

(Part 70 contains further rules about enforcement.)]

#### Textual Amendments

**F71** Rule 74.31(2) and words substituted (12.12.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(4), **37(b)**

### Refusal of Enforcement

**74.32.**—(1) An application under Article 21 of the EEO Regulation that the court should refuse to enforce an EEO must be made by application in accordance with Part 23 to the court in which the EEO is being enforced.

(2) The judgment debtor must, as soon as practicable, serve copies of any order made under Article 21(1) on—

- (a) all other parties to the proceedings and any other person affected by the order [<sup>F72</sup>(“the affected persons”)]; and
- (b) any court in which enforcement proceedings are pending in England and Wales [<sup>F73</sup>(“the relevant courts”)].

[<sup>F74</sup>(3) Upon service of the order on the affected persons, all enforcement proceedings under the EEO in the relevant courts will cease.]

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

#### Textual Amendments

- F72** Words in rule 74.32(2)(a) inserted (12.12.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(4), **37(c)(i)**
- F73** Words in rule 74.32(2)(b) inserted (12.12.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(4), **37(c)(ii)**
- F74** Rule 74.32(3) substituted (12.12.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(4), **37(c)(iii)**

#### [<sup>F75</sup>Stay of or limitation on enforcement]

**74.33.**—(1) Where an EEO certificate has been lodged and the judgment debtor applies to stay or limit the enforcement proceedings under Article 23 of the EEO Regulation, such application must be made <sup>F76</sup>... in accordance with Part 23 to the court in which the EEO is being enforced.

(2) The judgment debtor shall, as soon as practicable, serve a copy of any order made under the Article on—

- (a) all other parties to the proceedings and any other person affected by the order; and
- (b) any court in which enforcement proceedings are pending in England and Wales;

and the order will not have effect on any person until it has been served in accordance with this rule and they have received it.]

#### Textual Amendments

- F75** Rule 74.33 heading substituted (12.12.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(4), **37(d)(i)**
- F76** Words in rule 74.33(1) omitted (12.12.2008) by virtue of [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(4), **37(d)(ii)**

#### [<sup>F77</sup>VI Recognition and enforcement of protection measures

#### Textual Amendments

- F77** Pt. 74 Section 6 inserted (11.1.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), rules 2(b), **13(c)**

#### Interpretation

**74.34.** In this Section—

- (a) “Article 5 certificate” means a certificate issued under Article 5 of the Protection Measures Regulation;
- (b) “Article 8 notice” means the notification required by Article 8 of the Protection Measures Regulation;
- (c) “Article 11 notice” means the notification required by Article 11 of the Protection Measures Regulation;
- (d) “Article 14 certificate” means a certificate issued under Article 14 of the Protection Measures Regulation;

- (e) “incoming protection measure” means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;
- (f) “outgoing protection measure” means any protection measure included in any of—
  - (i) an injunction issued for the purpose mentioned in section 3(3)(a) of the Protection from Harassment Act 1997;
  - (ii) any other injunction or order of the County Court;
  - (iii) an undertaking accepted by the County Court;
  - (iv) in proceedings to which these Rules apply—
    - (aa) any other injunction or order of the High Court;
    - (bb) an undertaking accepted by the High Court;
- (g) “person causing the risk” has the meaning given to it in the Protection Measures Regulation;
- (h) “protected person” has the meaning given to it in the Protection Measures Regulation;
- (i) “protection measure” has the meaning given to it in the Protection Measures Regulation;
- (j) “Protection Measures Regulation” means 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.

#### **Procedure for applications in this Section**

**74.35.** Subject to the rules in this Section, applications under the Protection Measures Regulation to the County Court or to the High Court must be made in accordance with Part 23.  
OUTGOING PROTECTION MEASURES

#### **Application for an Article 5 certificate**

- 74.36.**—(1) A protected person may apply for an Article 5 certificate—
- (a) at the time of application for an injunction or other order containing an outgoing protection measure; or
  - (b) at any time after such application, provided—
    - (i) the order or undertaking containing the outgoing protection measure has not yet been made or accepted as the case may be; or
    - (ii) the outgoing protection measure is still in force.
- (2) An application for an Article 5 certificate may be made without notice.

#### **The court to which an application for an Article 5 certificate must be made**

- 74.37.** An application for an Article 5 certificate must be made—
- (a) where the outgoing protection measure has not yet been ordered or accepted—
    - (i) to the County Court if the proceedings relating to the outgoing protection measure are before the County Court; or
    - (ii) to the High Court if the proceedings relating to the outgoing protection measure are before the High Court; or
  - (b) where the outgoing protection measure has been ordered or accepted—
    - (i) to the County Court if that court made the order or accepted the undertaking as the case may be; or

---

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

---

- (ii) to the High Court if that court made the order or accepted the undertaking as the case may be.

#### **When a request for a translation of an Article 5 certificate may be made**

**74.38.** A protected person may request a translation of an Article 5 certificate—

- (a) at the time of application for the Article 5 certificate; or
- (b) at any time after such application, provided the Article 5 certificate—
  - (i) has not yet been issued; or
  - (ii) if issued, is still in force.

#### **The court to which a request for a translation of an Article 5 certificate must be made**

**74.39.** A request for a translation of an Article 5 certificate must be made—

- (a) if the certificate has not yet been issued, to—
  - (i) the County Court if the application for the certificate is before the County Court;
  - (ii) the High Court if the application for the certificate is before the High Court;
- (b) if the certificate has been issued, to—
  - (i) the County Court if the County Court issued it;
  - (ii) the High Court if the High Court issued it.

#### **Service requirements under Article 6**

**74.40.**—(1) Where the outgoing protection measure is included in an order, the court may only issue an Article 5 certificate if satisfied that the order has been served on the person causing the risk in accordance with the requirements specified in rule 81.5, unless the court has dispensed with service of the order in accordance with the requirements specified in rule 81.8.

(2) Where the protected person is responsible for serving the order on the person causing the risk, any application for an Article 5 certificate must be accompanied by a certificate of service.

#### **Notification of the certificate under Article 8**

**74.41.**—(1) Subject to paragraph (2), Article 8 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 6 and the rules in that Section shall apply to service of the notice as they apply to any other document to be served.

(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 8 notice must be given by sending it by registered letter with acknowledgement of receipt or confirmation of delivery or equivalent to the last known place of residence of that person.

#### **Rectification of an Article 5 certificate**

**74.42.**—(1) An application pursuant to Article 9 of the Protection Measures Regulation for rectification of an Article 5 certificate must be made to—

- (a) the County Court if the County Court issued the certificate;
- (b) the High Court if the High Court issued the certificate.

(2) An application for such rectification may be made by—

- (a) the protected person; or



(b) the person causing the risk.

(3) An Article 5 certificate may be rectified pursuant to Article 9(1)(a) of the Protection Measures Regulation by the court—

(a) on application under this rule; or

(b) on its own initiative.

#### **Withdrawal of an Article 5 certificate**

**74.43.**—(1) An application pursuant to Article 9 of the Protection Measures Regulation for withdrawal of an Article 5 certificate must be made to—

(a) the County Court if the County Court issued the certificate;

(b) the High Court if the High Court issued the certificate.

(2) An application for such withdrawal may be made by—

(a) the protected person; or

(b) the person causing the risk.

(3) An Article 5 certificate may be withdrawn pursuant to Article 9(1)(b) of the Protection Measures Regulation by the court—

(a) on application under this rule; or

(b) on its own initiative.

#### **When an application for an Article 14 certificate may be made**

**74.44.** A protected person or person causing the risk may apply for an Article 14 certificate—

(a) at the time of application to vary or set aside the order containing the outgoing protection measure, or for acceptance of a variation or setting aside of the undertaking containing the outgoing protection measure, as the case may be;

(b) at any time after the order containing the outgoing protection measure has been varied or set aside or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, as the case may be;

(c) at any time after an Article 5 certificate has been withdrawn under Article 9 of the Protection Measures Regulation; or

(d) on, or at any time after, the making of an order staying or suspending enforcement of the order or undertaking containing the outgoing protection measure.

#### **The court to which an application for an Article 14 certificate must be made**

**74.45.** An application for an Article 14 certificate must be made—

(a) if the order containing the outgoing protection measure has not yet been varied or set aside or a variation or setting aside of the undertaking containing the protection measure has not yet been accepted, as the case may be, to—

(i) the County Court if the application for such variation or setting aside is before the County Court; or

(ii) the High Court if the application for such variation or setting aside is before the High Court; or

(b) if there has been an application under Article 9 of the Protection Measures Regulation for withdrawal of the Article 5 certificate, and that application has not yet been decided, to—

*Status: Point in time view as at 11/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, PART 74. (See end of Document for details)*

- (i) the County Court if the application for such withdrawal is before the County Court;  
or
- (ii) the High Court if the application for such withdrawal is before the High Court; or
- (c) if the order containing the outgoing protection measure has been varied or set aside, or a variation or setting aside of the undertaking containing the outgoing protection measure has been accepted, to—
  - (i) the County Court if the County Court ordered or accepted such variation or setting aside, as the case may be; or
  - (ii) the High Court if the High Court ordered or accepted such variation or setting aside, as the case may be; or
- (d) if an Article 5 certificate has been withdrawn under Article 9, to—
  - (i) the County Court if the County Court ordered such withdrawal;
  - (ii) the High Court if the High Court ordered such withdrawal; or
- (e) where enforcement of the order has been stayed or suspended, to—
  - (i) the County Court if the County Court made the order for the stay or suspension; or
  - (ii) the High Court if the High Court made the order for the stay or suspension.

#### INCOMING PROTECTION MEASURES

##### **Application for adjustment under Article 11**

**74.46.** A protected person may apply to the court under Article 11 of the Protection Measures Regulation to adjust the factual elements of an incoming protection measure.

##### **Notification of the adjustment under Article 11**

**74.47.**—(1) Subject to paragraph (2), Article 11 notice must be given to the person causing the risk by serving it in accordance with Section III of Part 6 and the rules in that Section apply to service of the notice as they apply to any other document to be served.

(2) If the person causing the risk resides in a Member State of the European Union other than the United Kingdom or in a country outside the European Union, Article 11 notice must be given by sending it by registered letter with acknowledgment of receipt or other confirmation of delivery or equivalent to the last known place of residence of that person.

##### **Enforcement of an incoming protection measure**

**74.48.** Section II of Part 81 applies to applications in relation to a breach of an incoming protection measure as if the incoming protection measure had been ordered by the County Court.

##### **Application for refusal of recognition or enforcement under Article 13**

**74.49.** A person causing the risk may apply to the court under Article 13 of the Protection Measures Regulation for refusal of recognition or enforcement of an incoming protection measure.

##### **Application under Article 14(2)**

**74.50.**—(1) This rule applies where an Article 14 certificate has been issued in a Member State of the European Union other than the United Kingdom or Denmark.

(2) A protected person or person causing the risk may apply to the court to stay, suspend or withdraw the effects of recognition or, where applicable, the enforcement of the protection measure.

(3) An application under this rule must include a copy of the Article 14 certificate issued in the other Member State.

(4) On an application under this rule, the court must make such orders or give such directions as may be necessary to give effect to the Article 14 certificate.]

**Status:**

Point in time view as at 11/01/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 74.