
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 31

BEHAVIOUR ORDERS

European protection order to be given effect in another EU member State

31.9.—(1) This rule applies where—

- (a) a person benefits from the protection of one or more of the following prohibitions or restrictions imposed on another person by an order of a court in England and Wales when dealing with a criminal cause or matter—
 - (i) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits,
 - (ii) a prohibition or restriction of contact with the protected person by any means (including by telephone, post, facsimile transmission or electronic mail),
 - (iii) a prohibition or restriction preventing the other person from approaching the protected person whether at all or to within a particular distance; and either
- (b) that protected person wants the Crown Court or a magistrates' court to make a European protection order to supplement such an order; or
- (c) the court varies or revokes such a prohibition or restriction in such an order and correspondingly amends or revokes a European protection order already made.

(2) Such a protected person—

- (a) may apply orally or in writing to the Crown Court at the hearing at which the order imposing the prohibition or restriction is made by that court; or
- (b) in any other case, must apply in writing to a magistrates' court and serve the application on the court officer.

(3) The application must—

- (a) identify the prohibition or restriction that the European protection order would supplement;
- (b) identify the date, if any, on which that prohibition or restriction will expire;
- (c) specify the European Union member State in which the applicant has decided to reside or stay, or in which he or she already is residing or staying;
- (d) indicate the length of the period for which the applicant intends to reside or stay in that member State;
- (e) explain why the applicant needs the protection of that measure while residing or staying in that member State; and
- (f) include any other information of which the applicant wants the court to take account.

(4) Where the court makes or amends a European protection order, the court officer must—

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- (a) issue an order in the form required by Directive 2011/99/EU;
 - (b) serve on the competent authority of the European Union member State in which the protected person has decided to reside or stay—
 - (i) a copy of that form, and
 - (ii) a copy of the form translated into an official language of that member State, or into an official language of the European Union if that member State has declared that it will accept a translation in that language.
- (5) Where the court revokes a European protection order, the court officer must without delay so inform that authority.
- (6) Where the court refuses to make a European protection order, the court officer must arrange for the protected person to be informed of any available avenue of appeal or review against the court's decision.

[Note. See regulations 3 to 10 of the Criminal Justice (European Protection Order) Regulations 2014(1). Under regulation 5, an application by a protected person to which this rule applies may be made to an authority in another European Union member State and transferred to the Lord Chancellor for submission to a magistrates' court.

The Practice Direction sets out a form of application for use in connection with this rule.]