
STATUTORY INSTRUMENTS

2019 No. 517

**The Family Procedure Rules 2010 and Court of Protection
Rules 2017 (Amendment) (EU Exit) Regulations 2019**

Part 2

The Family Procedure Rules 2010: amendment and transitional and saving provision

Amendment of the Family Procedure Rules 2010

2. The Family Procedure Rules 2010 are amended as set out in regulations 3 to 21.

Amendment of Part 2

3.—(1) Part 2 (application and interpretation of the rules)(1) is amended as follows.

(2) In rule 2.3(1)—

- (a) in the definition of “child”, in paragraph (b) of that definition omit “the Council Regulation,”;
- (b) omit the definitions of “the Council Regulation”;
- (c) in the definition of “incoming protection measure”, omit “the United Kingdom or”; and
- (d) omit the definition of “the Maintenance Regulation”; and
- (e) omit the definition of “the Service Regulation”.

Amendment of Part 3A

4.—(1) Part 3A (vulnerable persons: participation in proceedings and giving evidence) is amended as follows.

(2) In rule 3A.1, in the definition of “child”, in paragraph (b) of that definition omit “Article 11 of the Council Regulation,”.

Amendment of Part 5

5.—(1) Part 5 (forms and start of proceedings)(2) is amended as follows.

(2) In rule 5.1, omit paragraph (5).

(3) In rule 5.3—

- (a) in paragraph (3), omit “under Article 56 of the Maintenance Regulation, or”; and
- (b) in the first set of words in parentheses at the end of the rule, omit “and the Maintenance Regulation”.

(1) Relevant amendments were made to Part 2 by [S.I. 2011/1328](#) and [S.I. 2014/3296](#).

(2) Relevant amendments were made to Part 5 by [S.I. 2011/1328](#) and [S.I. 2012/2806](#).

Amendment of Part 6

- 6.—(1) Part 6 (service) is amended as follows.
- (2) In rule 6.11—
- (a) in the heading, omit “or in any EEA state”;
 - (b) omit paragraph (2); and
 - (c) in the words in parentheses at the end of the rule, omit “and “EEA state” is defined in Schedule 1 to the Interpretation Act 1978”.
- (3) In rule 6.26—
- (a) in paragraph (2)(a), omit “either” and “or any other EEA state”; and
 - (b) omit the words in parentheses following paragraph (2)(b).
- (4) In rule 6.42(2)(b), omit “Member State or”.
- (5) Omit rule 6.43(3)(a)(ii).
- (6) Omit rule 6.44.
- (7) In rule 6.45, omit paragraph (4).
- (8) In rule 6.47, omit the words in parentheses at the end of the rule.

Amendment of Part 7

- 7.—(1) Part 7 (procedure for applications in matrimonial and civil partnership proceedings) is amended as follows.
- (2) In rule 7.27, omit paragraphs (2) to (4).

Amendment of Part 9

- 8.—(1) Part 9 (applications for a financial remedy)(3) is amended as follows.
- (2) In rule 9.3(3)—
- (a) omit sub-paragraph (a); and
 - (b) in sub-paragraph (b)—
 - (i) for “Sub-paragraphs (a) and (aa) do” substitute “Sub-paragraph (aa) does”;
 - (ii) omit “the Maintenance Regulation or”; and
 - (iii) omit “, as the case may be,”.
- (3) Omit rule 9.9B(3)(b)(iii).
- (4) In rule 9.12(4), omit “the Maintenance Regulation or”.
- (5) In rule 9.14—
- (a) in paragraph (2ZA), omit “Article 56 of the Maintenance Regulation or”; and
 - (b) in paragraph (2A)—
 - (i) omit sub-paragraph (a); and
 - (ii) in the closing words, for “that Regulation or that Convention, as appropriate,” substitute “that Convention”.
- (6) In rule 9.18—
- (a) omit paragraph (A1)(a)(iv); and

(3) Relevant amendments were made to Part 9 by [S.I. 2011/1328](#), [S.I. 2012/2806](#) and [S.I. 2014/667](#).

- (b) in paragraph (5), omit “the Maintenance Regulation or”.
- (7) In rule 9.19(2A), omit sub-paragraph (a).
- (8) Omit rule 9.22.
- (9) In rule 9.26A—
 - (a) in paragraph (1), omit sub-paragraphs (a) to (d); and
 - (b) omit paragraph (6).
- (10) In rule 9.26AA—
 - (a) in paragraph (1), omit “Article 58 of the Maintenance Regulation or”;
 - (b) in paragraph (2), omit “Article 56 of the Maintenance Regulation or”; and
 - (c) in the words in parentheses at the end of the rule, omit “and the Maintenance Regulation”.

Amendment of Part 12

9.—(1) Part 12 (proceedings relating to children except parental order proceedings and proceedings for applications in adoption, placement and related proceedings)(4) is amended as follows.

- (2) In rule 12.1(1)—
 - (a) in sub-paragraph (f), omit “the Council Regulation or”; and
 - (b) in the second set of words in parentheses at the end of the paragraph, omit “the Council Regulation or”.
- (3) In the Table in rule 12.3(1), in the 51st row, in the first column, omit “Article 15 of the Council Regulation or”.
- (4) In rule 12.14, omit paragraph (10) and the words in parentheses following it.
- (5) In the heading to Chapter 6 of the Part, omit “THE COUNCIL REGULATION,”.
- (6) In rule 12.43(b), omit “the Council Regulation or”.
- (7) In the heading to Section 2 of Chapter 6 of the Part, omit “the Council Regulation and”.
- (8) In rule 12.58—
 - (a) in paragraph (1)—
 - (i) in the definition of “domestic Central Authority”, omit paragraph (a) of that definition;
 - (ii) omit the definition of “judgment”;
 - (iii) omit the definition of “Member State”;
 - (iv) in the definition of “parental responsibility”, omit paragraph (a) of that definition; and
 - (v) omit the definition of “seised” and the “and” preceding it; and
 - (b) in paragraph (2)—
 - (i) omit “Member State or”; and
 - (ii) omit “authorities within the meaning of “court” in Article 2(1) of the Council Regulation, and”.
- (9) Omit rules 12.59 and 12.60.
- (10) In rule 12.61—

(4) Relevant amendments to Part 12 were made by [S.I. 2012/2046](#).

- (a) in the heading, omit “Article 15 of the Council Regulation or under”;
 - (b) in paragraph (1), omit “Member State or”;
 - (c) in paragraph (3) omit—
 - (i) “Member State or”;
 - (ii) “the Council Regulation or”;
 - (iii) “(as appropriate)”;and
 - (d) In paragraph (5), omit “Member State or”.
- (11) In rule 12.62—
- (a) in paragraph (1)—
 - (i) in the opening words, omit “under Article 15 of the Council Regulation or”;
 - (ii) in sub-paragraph (a), omit “Member State or”;
 - (iii) in sub-paragraph (b), omit “another Member State or”;and
 - (b) in paragraph (3), for the words after “respondents” to the end substitute “not less than 42 days before the hearing of the application”.
- (12) In rule 12.63—
- (a) in the heading, omit “another Member State or”;
 - (b) in paragraph (1)—
 - (i) omit “another Member State or”;
 - (ii) omit “Article 15(2)(c) of the Council Regulation or under”.
- (13) In rule 12.64(1), omit “Article 15 of the Council Regulation or”.
- (14) In rule 12.65—
- (a) in the heading, omit “Article 15 of the Council Regulation or”;
 - (b) in paragraph (1), omit—
 - (i) “another Member State or”;
 - (ii) “Article 15 of the Council Regulation, or”;
 - (iii) “(as the case may be)”;and
 - (c) in paragraph (4), omit “Member State, or”.
- (15) In rule 12.66, omit “Member State or” where those words occur in—
- (a) the heading; and
 - (b) paragraphs (1), (2) and (4).
- (16) In rule 12.67—
- (a) in the heading, omit “the Council Regulation or”;
 - (b) in the rule, omit “Member State or”.
- (17) In rule 12.68(1), omit “any of Articles 16 to 18 of the Council Regulation it does not or may not have jurisdiction to hear and application, or that under Article 19 of the Council Regulation or”.
- (18) In rule 12.69—
- (a) in paragraph (1), omit sub-paragraph (a); and
 - (b) omit “Member State or” where those words occur in paragraphs (2) and (3).
- (19) In rule 12.70—
- (a) in the heading, omit “Member State or”;

- (b) in paragraph (1), omit “Member State under Article 56 of the Council Regulation or another”; and
- (c) in paragraph (4), omit “Member”.

Amendment of Part 14

10.—(1) Part 14 (procedure for applications in adoption, placement and related proceedings) is amended as follows.

- (2) In rule 14.19, omit paragraph (2).

Amendment of Part 17

11.—(1) Part 17 (statements of truth) is amended as follows.

- (2) In rule 17.1(1), omit sub-paragraph (b).
- (3) In rule 17.2(10), omit sub-paragraph (a).

Amendment of Part 20

12.—(1) Part 20 (interim remedies and security for costs) is amended as follows.

- (2) In rule 20.7—
 - (a) omit paragraph (2)(a)(ii) and the “but” preceding it; and
 - (b) omit the second set of words in parentheses at the end of the rule.

Amendment of Part 21

13.—(1) Part 21 (miscellaneous rules about disclosure and inspection of documents) is amended as follows.

- (2) In rule 21.2, omit the words in parentheses at the end of the rule.

Amendment of Part 22

14.—(1) Part 22 (evidence) is amended as follows.

- (2) In rule 22.8, omit the words in parentheses at the end of the rule.

Amendment of Part 23

15.—(1) Part 23 (miscellaneous rules about evidence) is amended as follows.

- (2) In rule 23.4, omit the words in parentheses at the end of the rule.

Amendment of Part 24

16.—(1) Part 24 (witnesses, depositions generally and taking of evidence in member states of the European Union) is amended as follows.

- (2) For the title to the Part, substitute “WITNESSES AND DEPOSITIONS GENERALLY”.
- (3) In each of rules 24.1, 24.2, 24.4, 24.7, 24.9 and 24.10, omit the words in parentheses at the end of the rule.
- (4) In rule 24.12—
 - (a) in paragraph (1), for the words after “who is” to the end substitute “out of the jurisdiction”; and

- (b) omit the words in parentheses at the end of the rule.
- (5) Omit Chapter 2 of the Part, including rules 24.15 and 24.16.

Amendment of Part 27

- 17.—(1) Part 27 (hearings and directions appointments) is amended as follows.
- (2) In rule 27.4(7)—
 - (a) for “a European regulation or” substitute “an”; and
 - (b) omit “regulation or”.

Amendment of Part 31

- 18.—(1) Part 31 (registration of orders under the Council Regulation, the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 and under the Hague Convention 1996)(5) is amended as follows.
- (2) In the title to the Part, omit “THE COUNCIL REGULATION, THE CIVIL PARTNERSHIP (JURISDICTION AND RECOGNITION OF JUDGMENTS REGULATIONS 2005, THE MARRIAGE (SAME SEX COUPLES) (JURISDICTION AND RECOGNITION OF JUDGMENTS) REGULATIONS 2014 AND UNDER”.
- (3) In rule 31.1, omit paragraphs (a), (c) and (d).
- (4) In rule 31.2, in paragraph (1)—
 - (a) in sub-paragraph (a), omit paragraphs (i), (ii) and (iv) and the “or” preceding paragraph (iv);
 - (b) omit sub-paragraphs (b), (ba) and (c);
 - (c) in sub-paragraph (d), omit “, other than a Member State within the meaning of (c) above,”; and
 - (d) omit sub-paragraph (e)(i).
- (5) In rule 31.3—
 - (a) in paragraph (1), omit “, or under rule 31.20 for rectification of a certificate issued under Articles 41 or 42,”;
 - (b) omit paragraph (2); and
 - (c) in paragraph (3), omit “the Jurisdiction and Recognition of Judgments Regulations or the 2014 Regulations”.
- (6) In rule 31.4, in paragraph (2), for “Except for an application under rule 31.7, an” substitute “An”.
- (7) In rule 31.5—
 - (a) for “Except as regards a copy of a judgment required by Article 37(1)(a) of the Council Regulation, where” substitute “Where”; and
 - (b) omit paragraph (2).
- (8) In rule 31.6, in paragraph (1), omit “(subject to the requirements of the Council Regulation)”.
- (9) Omit rule 31.7.
- (10) In rule 31.8—
 - (a) in paragraph (1), omit—

(5) Relevant amendments were made to Part 31 by [S.I. 2014/524](#).

- (i) “Member State, or a”; and
- (ii) “, except where rule 31.7 applies”;
- (b) in paragraph (3), in sub-paragraph (b)—
 - (i) at the end of paragraph (i), omit “or”; and
 - (ii) omit paragraph (ii);
- (c) in paragraph (4), for the words from “In cases” to “apply, the”, substitute “The”;
- (d) omit paragraph (6);
- (e) in paragraph (7), for the words from “If” to “not, the”, substitute “The”; and
- (f) omit paragraph (8).
- (11) In rule 31.9, omit “Member State or”.
- (12) In rule 31.11, in paragraph (4), omit—
 - (a) “Article 28(2) of the Council Regulation or under”; and
 - (b) “, as the case may be”.
- (13) In rule 31.12, omit—
 - (a) “Article 21(3) of the Council Regulation,”; and
 - (b) “regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations (as the case may be)”.
- (14) In rule 31.14, in paragraph (3), omit—
 - (a) “Article 21(3) of the Council Regulation,”; and
 - (b) “, regulation 7 of the Jurisdiction and Recognition of Judgments Regulations or regulation 5 of the 2014 Regulations (as the case may be)”.
- (15) In rule 31.15—
 - (a) in paragraph (1)(b), omit “Member State, or a”;
 - (b) omit paragraph (2); and
 - (c) in paragraph (3), omit the words from “, in a case” to “does not”.
- (16) In rule 31.16, in paragraph (1)(a), omit “Member State or”.
- (17) In rule 31.17, in the words in parentheses at the end of the rule, omit “, including service in accordance with the Service Regulation,”.
- (18) In rule 31.18, in paragraph (1), omit “, or for a certificate under Articles 39, 41 or 42 of the Council Regulation,”.
- (19) Omit rules 31.19, 31.20 and 31.21.
- (20) In rule 31.22, omit “Article 20 of the Council Regulation or”.

Amendment of Part 34

19.—(1) Part 34 (reciprocal enforcement of maintenance orders)(6) is amended as follows.

- (2) In rule 34.1—
 - (a) in paragraph (2), omit the definitions of—
 - (i) “the 1982 Act”;
 - (ii) “the 1988 Convention”;

(6) Relevant amendments were made to Part 34 by [S.I. 2011/1328](#), [S.I. 2012/679](#) and [S.I. 2012/2806](#).

- (iii) “the Judgments Regulation”; and
- (iv) “the Lugano Convention”; and
- (b) in paragraph (5), omit sub-paragraphs (a) to (d).
- (3) In rule 34.2—
 - (a) in paragraph (2), omit “and section 5(2) of the 1982 Act”; and
 - (b) in paragraph (3), omit “Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or under”.
- (4) In rule 34.3, omit “the Maintenance Regulation or”.
- (5) In the heading to Chapter 3 of the Part, for the words after “UNDER” substitute “THE 2007 HAGUE CONVENTION”.
- (6) In rule 34.28A—
 - (a) in paragraph (1)—
 - (i) omit sub-paragraph (a)(i); and
 - (ii) omit sub-paragraph (c); and
 - (b) omit paragraph (2).
- (7) In the heading to Section 1 of Chapter 3 of the Part, for the words after “made in” substitute “a State bound by the 2007 Hague Convention”.
- (8) Omit rule 34.29.
- (9) In rule 34.30—
 - (a) in paragraph (2)—
 - (i) omit sub-paragraphs (a) to (d); and
 - (ii) in sub-paragraph (e), omit “other than a Member State of the European Union”; and
 - (b) in paragraph (6), omit sub-paragraphs (a) and (b).
- (10) In rule 34.31, in paragraph (1), omit sub-paragraphs (a) to (d).
- (11) In rule 34.32, in paragraph (1), for the words after “accordance with” up to and including “registration” substitute “Article 23 of the 2007 Hague Convention”.
- (12) In rule 34.34—
 - (a) in paragraph (1), for the words after “competent court in” to the end substitute “a State bound by the 2007 Hague Convention”; and
 - (b) omit paragraph (3).
- (13) In rule 34.36A—
 - (a) in paragraph (a), omit sub-paragraphs (i) to (iv);
 - (b) in paragraph (b), omit sub-paragraphs (i) to (iv); and
 - (c) in paragraph (c), omit sub-paragraphs (i) to (iv).
- (14) In rule 34.36B—
 - (a) in paragraph (1), omit “Article 58 of the Maintenance Regulation, or”;
 - (b) in paragraph (2), omit “Article 56 of the Maintenance Regulation or”;
 - (c) in the words in parentheses at the end of the rule, omit “and the Maintenance Regulation”.
- (15) Omit rule 34.36C.
- (16) In the heading to Section 2 of Chapter 3 of the Part, omit “or a Member State of the European Union”.

- (17) In rule 34.38—
- (a) in paragraph (1), for the words after “the UK” up to and including “Lugano Convention, or by” substitute “or another Contracting State to”;
 - (b) in paragraph (2)(c), omit “the 1982 Act, the Judgments Regulation, the Maintenance Regulation or”;
 - (c) in paragraph (3), omit “the 1982 Act, the Judgments Regulation, the Maintenance Regulation or”;
 - (d) for paragraph (7) substitute—

“(7) Any request by the family court for the taking or providing of evidence by a court in a State bound by the 2007 Hague Convention for the purposes of proceedings to which that Convention applies, or by a court in another part of the United Kingdom, shall be communicated in writing to the court in question.”; and
 - (e) omit paragraph (8) and the words in parentheses following it.
- (18) In rule 34.39—
- (a) for paragraph (1), substitute—

“(1) A person who wishes to enforce a maintenance order obtained in the family court in a State bound by the 2007 Hague Convention must apply for a certified copy of the order and, where required by Practice Direction 34A, a certificate giving particulars relating to the judgment and proceedings in which it was given.”;
 - (b) omit paragraph (2); and
 - (c) in paragraph (5)—
 - (i) omit sub-paragraphs (b)(i) to (iv); and
 - (ii) in sub-paragraph (b)(vi), omit “(other than a Member State of the European Union)”.
- (19) In rule 34.40—
- (a) in paragraph (1), omit—
 - (i) “and the Maintenance Regulation”;
 - (ii) “a Member State of the European Union or”; and
 - (iii) “(other than a Member State of the European Union)”;
 - (b) in paragraph (2), omit sub-paragraph (a).

Revocation of Part 35

- 20.** Part 35 (Mediation Directive) is revoked.

Amendment of Part 38

- 21.**—(1) Part 38 (recognition and enforcement of protection measures)(7) is amended as follows.
- (2) In rule 38.1—
- (a) in paragraph (1)—
 - (i) omit “mutual” before “recognition”;
 - (ii) insert “incoming” before “protection measures”; and
 - (iii) omit the words after “protection measures” to the end; and
 - (b) in paragraph (2), omit the definitions of—

(7) Part 38 was inserted by [S.I. 2014/3296](#).

- (i) “Article 5 certificate”;
 - (ii) “Article 8 notice”; and
 - (iii) “outgoing protection measure”.
- (3) Omit Chapter 2 of the Part, including rules 38.2 to 38.11.
- (4) In rule 38.12, after “Regulation” insert “(as it has effect in the law of England and Wales)”.
- (5) In rule 38.13, in paragraph (2), for “in a Member State of the European Union other than the United Kingdom or in a country outside the European Union” substitute “outside the United Kingdom”.
- (6) In rule 38.14, after “Regulation” insert “(as it has effect in the law of England and Wales)”.
- (7) In rule 38.15—
- (a) in paragraph (1), omit “the United Kingdom or”; and
 - (b) in paragraph (3), omit “other”.

Transitional and saving provision – Part 6

22.—(1) Where before exit day, pursuant to rule 6.11, a solicitor acting for the respondent has notified the business address of that solicitor in an EEA state outside the United Kingdom as the address at which that solicitor is instructed to accept service of the application, the application, if not served before exit day, must on or after exit day be served at that address notwithstanding the changes made by these Regulations.

(2) Where before exit day a party to proceedings has given, as the address at which that party may be served with documents relating to those proceedings, the business address of a solicitor in any EEA State outside the United Kingdom—

- (a) that address will continue on and after exit day to be that party’s address for service unless and until that party elects to change the address for service; and
- (b) if that party elects on or after exit day to change the address for service, the new address for service may be any address for service permitted by rule 6.26 as in force immediately before exit day.

(3) In this regulation, “EEA State” has the meaning it had for the purposes of Part 6 immediately before exit day.

(4) Where before exit day an applicant has filed the documents referred to in rule 6.44(2), but the action required by rule 6.44(3) has not been taken by exit day, the court may treat the request for service of the documents in question as a request for service pursuant to rule 6.45(1) or (2) as appropriate.

Transitional and saving provision – Part 9 and Part 12

23.—(1) Where in relation to any proceedings the relevant saving provision applies, the relevant rules continue to apply on and after exit day for the purposes of those proceedings as if the amendments made to those rules by these Regulations had not been made.

(2) In paragraph (1)—

- (a) “the relevant saving provision” means regulation 8 of the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019⁽⁸⁾; and
- (b) “the relevant rules” means Part 9, or Part 12, and the definitions of “the Council Regulation” and “the Maintenance Regulation” in Part 2, as applicable.

(8) SI 2019/494.

(3) Where before exit day the court has issued an order on non-return as referred to in Article 11(6) of the Council Regulation, rule 12.59 continues to apply on and after exit day if the documents referred to in that rule have not been transmitted as required by that rule by exit day.

(4) Where by virtue of paragraph (1) rule 12.60 continues to apply on and after exit day in relation to any proceedings, the court may treat any application for an order requiring the return of the child as an application for an order which the court has jurisdiction to make by virtue of the 1996 Hague Convention.

(5) Where by virtue of paragraph (1) rules 12.61 to 12.66 or any of them continue to apply on and after exit day in relation to any proceedings involving a request for transfer of jurisdiction under Article 15 of the Council Regulation as if the amendments made to them by this Regulation had not been made, the court may treat the request as one made or to be made under Article 8 or Article 9 (as the case may be) of the 1996 Hague Convention and direct accordingly.

(6) Where by virtue of paragraph (1) rule 12.70 continues to apply on or after exit day as if the amendments made to it by these Regulations had not been made, the court may treat the request which is contemplated as a request to be made under Article 33 of the 1996 Hague Convention.

(7) In paragraphs (3) to (6)—

- (a) “the 1996 Hague Convention” has the meaning given to it by rule 2.3; and
- (b) “the Council Regulation” has the meaning given to it by rule 2.3 as in force immediately before exit day.

Transitional and saving provision – Part 20

24. Where an application was made before exit day, rule 20.7 applies for the purposes of the court’s power to make an order for security for costs in relation to that application as if the amendment made to that rule by these Regulations had not been made.

Transitional and saving provision – Part 24

25. If before exit day a court has made an order for the issue or submission of a request under rule 24.16 but the further action required by that rule has not been taken by exit day, the court may treat the order as one for issue of a letter of request under rule 24.12 and proceed accordingly.

Transitional and saving provision – Part 31

26.—(1) Where in relation to any proceedings under Part 31 the relevant saving provision applies, Part 31 continues to apply on and after exit day for the purposes of those proceedings as if the amendments made to that Part by these Regulations had not been made.

(2) In this regulation, “the relevant saving provision” means, as applicable—

- (a) regulation 8 of the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019; or
- (b) regulation 7 of the Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019⁽⁹⁾.

Transitional and saving provision – Part 34

27.—(1) Where in relation to any proceedings under Part 34 the relevant saving provision applies, Part 34 continues to apply on and after exit day for the purposes of those proceedings as if the amendments made to that Part by these Regulations had not been made.

(9) [S.I. 2019/495](#).

(2) In this regulation, “the relevant saving provision” means regulation 8 of the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019.

Transitional and saving provision – Part 35

28.—(1) Where an application under rule 35.2(1) as then in force (for the content of a written agreement resulting from mediation of a relevant dispute to be made enforceable by being made the subject of a consent order) was made before exit day, rule 35.2 continues to apply for the purposes of that application on and after exit day as if the amendments made to Part 35 by these Regulations had not been made.

(2) In relation to a mediation to which the Cross-Border Mediation (EU Directive) Regulations 2011⁽¹⁰⁾ applied before exit day, rules 35.1 and 35.3 to 35.4 continue to apply on and after exit day, so far as relevant in relation to mediation evidence relating to that mediation, as if the amendments made to Part 35 by these Regulations had not been made.

⁽¹⁰⁾ S.I. 2011/1133.