

**STATUTORY INSTRUMENT**

**(S.I. No. 648 of 2005)**

**EUROPEAN COMMUNITIES (EUROPEAN ENFORCEMENT ORDER)  
REGULATIONS 2005**

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I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Regulation (EC) No. 805/2004 of 21 April 2004<sup>1</sup> creating a European Enforcement Order for uncontested claims, make the following Regulations:

**Citation and commencement.**

1. (1) These Regulations may be cited as the European Communities (European Enforcement Order) Regulations 2005.
- (2) These Regulations shall come into operation on 21 October 2005.

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<sup>1</sup> O.J. L143 of 30.4.2004

## **Interpretation.**

2. (1) A word or expression that is used in these Regulations and is also used in Regulation (EC) No. 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims shall have in these Regulations the same meaning as it has in that Regulation unless the contrary intention appears.

(2) A reference in these Regulations –

- (a) to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by any other enactment,
- (b) a reference to a Regulation is a reference to a Regulation of these Regulations unless it is indicated that a reference to some other provision is intended,
- (c) a reference to a paragraph, subparagraph or clause is a reference to a paragraph, subparagraph or clause of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

**Amendment of section 84 of Courts of Justice Act 1924.**

3. Section 84 of the Courts of Justice Act 1924 (No.10 of 1924) is amended by substituting “Subject to Article 10(4) of Regulation (EC) No. 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, an” for “An”.

**Amendment of Courts of Justice Act 1936.**

4. The Courts of Justice Act 1936 (No. 48 of 1936) is amended by inserting the following after section 38:

**“Sections 37 and 38 not to prejudice Article 10(4) of Regulation (EC) No. 805/2004.**

**38A.** Neither section 37 nor 38 of this Act shall operate to prejudice the generality of Article 10(4) of Regulation (EC) No.805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims.”.

**Amendment of section 25 of Courts and Court Officers Act 1995.**

5. Section 25(5) of the Courts and Courts Officers Act 1995 (No.31 of 1995) is amended by substituting “Subject to Article 10(4) of Regulation (EC) No. 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, all” for “All”.

**Amendment of section 34 of Courts and Court Officers Act 1995.**

6. Section 34(2) of the Courts and Court Officers Act 1995 is amended by substituting “Subject to Article 10(4) of Regulation (EC) No. 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, all” for “All”.

**Enforcement of judgment, court settlement or authentic instrument on  
uncontested claim which has been certified as European Enforcement Order.**

7. Where a judgment, court settlement or authentic instrument on an uncontested claim has been certified as a European Enforcement Order in a Member State of origin, that judgment, court settlement or authentic instrument, as the case may be -

- (a) shall be of the same force and effect as a judgment of the High Court, and
  
- (b) may be enforced by the High Court, and proceedings taken on it, as if it were a judgment of that Court.



**Applications under Articles 6, 10, 21 and 23 of Regulation (EC) No. 805/2004 of 21 April 2004.**

8. (1) An application referred to in Article 6.1 of Regulation (EC) No. 805/2004 of 21 April 2004 shall be made to the court which delivered the judgment on the uncontested claim.

(2) An application referred to in Article 6.2 or 10 of Regulation (EC) No. 805/2004 of 21 April 2004 shall be made to the court which delivered the judgment certified as a European Enforcement Order.

(3) An application referred to in Article 6.3 of Regulation (EC) No. 805/2004 of 21 April 2004 shall be made to the court which delivered the decision following a challenge to a judgment certified as a European Enforcement Order.

(4) The High Court shall have sole jurisdiction in relation to any application referred to in Article 21 or 23 of Regulation (EC) No. 805/2004 of 21 April 2004.

GIVEN under my Official Seal,  
This 14th. day of October, 2005.

L.S.

MICHAEL McDOWELL T.D.  
Minister for Justice, Equality  
and Law Reform

## **EXPLANATORY NOTE**

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Regulation sets out the effect on domestic legislation of Council Regulation (EC) No. 805/2004 of 21 April 2004 creating a European Enforcement Order for Uncontested Claims and makes the necessary provisions for the good administration of the Regulation.