



Civil Jurisdiction and Judgments Act 1982

CHAPTER 27

CIVIL JURISDICTION AND JUDGMENTS ACT 1982

PART I

IMPLEMENTATION OF THE CONVENTIONS

Main implementing provisions

- 1 Interpretation of references to the Conventions and Contracting States
- 2 The Conventions to have the force of law
- 3 Interpretation of the Conventions

Supplementary provisions as to recognition and enforcement of judgments

- 4 Enforcement of judgments other than maintenance orders
- 5 Recognition and enforcement of maintenance orders
- 6 Appeals under Article 37, second paragraph and Article 41
- 7 Interest on registered judgments
- 8 Currency of payment under registered maintenance orders

Other supplementary provisions

- 9 Provisions supplementary to Title VII of 1968 Convention
- 10 Allocation within U.K. of jurisdiction with respect to trusts and consumer contracts
- 11 Proof and admissibility of certain judgments and related documents
- 12 Provision for issue of copies of, and certificates in connection with, U.K. judgments
- 13 Modifications to cover authentic instruments and court settlements
- 14 Modifications consequential on revision of the Conventions
- 15 Interpretation of Part I and consequential Amendments

PART II

JURISDICTION, AND RECOGNITION AND ENFORCEMENT OF JUDGMENTS, WITHIN UNITED KINGDOM

- 16 Allocation within U.K. of jurisdiction in certain civil proceedings
- 17 Exclusion of certain proceedings from Schedule 4
- 18 Enforcement of U.K. judgments in other parts of U.K.
- 19 Recognition of U.K. judgments in other parts of U.K.

PART III

JURISDICTION IN SCOTLAND

- 20 Rules as to jurisdiction in Scotland
- 21 Continuance of certain existing jurisdictions
- 22 Supplementary provisions
- 23 Savings and consequential amendments

PART IV

MISCELLANEOUS PROVISIONS

Provisions relating to jurisdiction

- 24 Interim relief and protective measures in cases of doubtful jurisdiction
- 25 Interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings
- 26 Security in Admiralty proceedings in England and Wales or Northern Ireland in case of stay, etc.
- 27 Provisional and protective measures in Scotland in the absence of substantive proceedings
- 28 Application of s. 1 of Administration of Justice (Scotland) Act 1972
- 29 Service of county court process outside Northern Ireland
- 30 Proceedings in England and Wales or Northern Ireland for torts to immovable property

Provisions relating to recognition and enforcement of judgments

- 31 Overseas judgments given against states, etc.
- 32 Overseas judgments given in proceedings brought in breach of agreement for settlement of disputes
- 33 Certain steps not to amount to submission to jurisdiction of overseas court
- 34 Certain judgments a bar to further proceedings on the same cause of action
- 35 Minor amendments relating to overseas judgments
- 36 Registration of maintenance orders in Northern Ireland
- 37 Minor amendments relating to maintenance orders
- 38 Overseas judgments counteracting an award of multiple damages

Jurisdiction, and recognition and enforcement of judgments, as between United Kingdom and certain territories

- 39 Application of provisions corresponding to 1968 Convention in relation to certain territories

Legal aid

- 40 Power to modify enactments relating to legal aid, etc.

PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

Domicile

- 41 Domicile of individuals
42 Domicile and seat of corporation or association
43 Seat of corporation or association for purposes of Article 16(2) and related provisions
44 Persons deemed to be domiciled in the United Kingdom for certain purposes
45 Domicile of trusts
46 Domicile and seat of the Crown

Other supplementary provisions

- 47 Modifications occasioned by decisions of European Court as to meaning or effect of Conventions
48 Matters for which rules of court may provide
49 Saving for powers to stay, sist, strike out or dismiss proceedings

General

- 50 Interpretation: general
51 Application to Crown
52 Extent
53 Commencement, transitional provisions and savings
54 Repeals
55 Short title

SCHEDULES

SCHEDULE 1 — Text of 1968 Convention, as Amended

SCHEDULE 2 — Text of 1971 Protocol, as Amended

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

ARTICLE 12

ARTICLE 13

ARTICLE 14

SCHEDULE 3 — Text of Titles V and VI of Accession Convention
TITLE V — TRANSITIONAL PROVISIONS

ARTICLE 34

ARTICLE 35

ARTICLE 36

TITLE VI — FINAL PROVISIONS

ARTICLE 37

ARTICLE 38

ARTICLE 39

ARTICLE 40

ARTICLE 41

SCHEDULE 4 — Title II of 1968 Convention as Modified for Allocation of
Jurisdiction Within U.K.
TITLE II — JURISDICTION

SECTION 1

GENERAL PROVISIONS

ARTICLE 2

ARTICLE 3

SECTION 2

SPECIAL JURISDICTION

ARTICLE 5

ARTICLE 5A

ARTICLE 6

ARTICLE 6A

SECTION 4

JURISDICTION OVER CONSUMER CONTRACTS

ARTICLE 13

ARTICLE 14

ARTICLE 15

SECTION 5

EXCLUSIVE JURISDICTION

ARTICLE 16

SECTION 6

PROROGATION OF JURISDICTION

ARTICLE 17

ARTICLE 18

SECTION 7

EXAMINATION AS TO JURISDICTION AND ADMISSIBILITY

*ARTICLE 19**ARTICLE 20***SECTION 9****PROVISIONAL, INCLUDING PROTECTIVE, MEASURES***ARTICLE 24*

SCHEDULE 5 — Proceedings Excluded from Schedule 4

Proceedings under the Companies Acts

- 1 Proceedings for the winding up of a company under the...

Patents, trade marks, designs and similar rights

- 2 Proceedings concerned with the registration or validity of patents, trade...

Protection of Trading Interests Act 1980

- 3 Proceedings under section 6 of the Protection of Trading Interests...

Appeals etc. from tribunals

- 4 Proceedings on appeal from, or for review of, decisions of...

Maintenance and similar payments to local and other public authorities

- 5 Proceedings for, or otherwise relating to, an order under any...

Proceedings under certain conventions, etc.

- 6 Proceedings brought in any court in pursuance of—

Certain Admiralty proceedings in Scotland

- 7 Proceedings in Scotland in an Admiralty cause where the jurisdiction...

Register of aircraft mortgages

- 8 Proceedings for the rectification of the register of aircraft mortgages...

Continental Shelf Act 1964

- 9 Proceedings brought in any court in pursuance of an order...

SCHEDULE 6 — Enforcement of U.K. Judgments (Money Provisions)

Preliminary

- 1 In this Schedule— "judgment" means any judgment to which section...

Certificates in respect of judgments

- 2 (1) Any interested party who wishes to secure the enforcement...

- 3 A certificate shall not be issued under this Schedule in...
4 (1) Subject to paragraph 3, on an application under paragraph...

Registration of certificates

- 5 (1) Where a certificate has been issued under this Schedule...

General effect of registration

- 6 (1) A certificate registered under this Schedule shall, for the...

Costs or expenses

- 7 Where a certificate is registered under this Schedule, the reasonable...

Interest

- 8 (1) Subject to any provision made under sub-paragraph (2), the...

Stay or sisting of enforcement in certain cases

- 9 Where a certificate in respect of a judgment has been...

Cases in which registration of a certificate must or may be set aside

- 10 Where a certificate has been registered under this Schedule, the...

SCHEDULE 7 — Enforcement of U.K. Judgments (Non-Money Provisions)

Preliminary

- 1 In this Schedule— "judgment" means any judgment to which section...

Certified copies of judgments

- 2 (1) Any interested party who wishes to secure the enforcement...
3 A certified copy of a judgment shall not be issued...
4 (1) Subject to paragraph 3, on an application under paragraph...

Registration of judgments

- 5 (1) Where a certified copy of a judgment has been...

General effect of registration

- 6 (1) The non-money provisions contained in a judgment registered
under...

Costs or expenses

- 7 (1) Where a judgment is registered under this Schedule, the...

Stay or sisting of enforcement in certain cases

- 8 Where a judgment has been registered under this Schedule, the...

Cases in which registered judgment must or may be set aside

- 9 Where a judgment has been registered under this Schedule, the...

SCHEDULE 8 — Rules as to Jurisdiction in Scotland

General

- 1 Subject to the following Rules, persons shall be sued in...

Special jurisdiction

- 2 Subject to Rules 3 (jurisdiction over consumer contracts), 4 (exclusive...

Jurisdiction over consumer contracts

- 3 (1) In proceedings concerning a contract concluded by a person...

Exclusive jurisdiction

- 4 (1) Notwithstanding anything contained in any of Rules 1 to...

Prorogation of jurisdiction

- 5 (1) If the parties have agreed that a court is...
6 (1) Apart from jurisdiction derived from other provisions of this...

Examination as to jurisdiction and admissibility

- 7 Where a court is seised of a claim which is...
8 Where in any case a court has no jurisdiction which...

SCHEDULE 9 — Proceedings Excluded From Schedule 8

- 1 Proceedings concerning the status or legal capacity of natural persons...
2 Proceedings for regulating the custody of children.
3 Proceedings relating to tutory and curatory and all proceedings relating...
4 Proceedings in respect of sequestration in bankruptcy; or the winding...
5 Proceedings relating to a company where, by any enactment, jurisdiction...
6 Admiralty causes in so far as the jurisdiction is based...
7 Commissary proceedings.
8 Proceedings for the rectification of the register of aircraft mortgages...
9 Proceedings under section 7(3) of the Civil Aviation (Euro-control) Act...
10 Proceedings brought in pursuance of an order under section 3...
11 Proceedings under section 6 of the Protection of Trading Interests...
12 Appeals from or review of decisions of tribunals.
13 Proceedings which are not in substance proceedings in which a...
14 Proceedings brought in any court in pursuance of—

SCHEDULE 10 — Amendments of Foreign Judgments (Reciprocal Enforcement) Act 1933

- 1 (1) Section 1 (power to extend Part I to foreign...
2 In section 9 (power to make foreign judgments unenforceable in...
3 For section 10 (issue of certificates of judgments obtained in...
4 After section 10 insert— Arbitration awards. The provisions of this Act, except sections 1(5) and 6,...
5 (1) Section 11(1) (interpretation) is amended as follows.

SCHEDULE 11 — Minor Amendments Relating to Maintenance Orders
PART I — ENFORCEMENT OF LUMP SUM ORDERS

Maintenance Orders Act 1950 (c. 37)

- 1 In section 18(3A) of the Maintenance Orders Act 1950 (order...

Maintenance Orders Act 1958 (c. 39)

- 2 (1) Section 2 of the Maintenance Orders Act 1958 (registration...

Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)

- 3 (1) Section 11 of the Maintenance and Affiliation Orders Act...

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 4 (1) In section 9 of the Maintenance Orders (Reciprocal Enforcement)...

PART II — RECOVERY OF INTEREST ON ARREARS

Maintenance Orders Act 1950 (c. 37)

- 5 In section 18 of the Maintenance Orders Act 1950 (enforcement...

Maintenance Orders Act 1958 (c. 39)

- 6 (1) The Maintenance Orders Act 1958 is amended as follows....

Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)

- 7 (1) The Maintenance and Affiliation Orders Act (Northern Ireland) 1966...

PART III — RECIPROCAL ENFORCEMENT FOUNDED ON PRESENCE OF ASSETS

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 8 The Maintenance Orders (Reciprocal Enforcement) Act 1972 is amended as...

- 9 In section 2 (transmission of United Kingdom order for enforcement...

- 10 In section 6 (registration in United Kingdom of order made...

- 11 In section 8(5) (duty of magistrates' court and its officers...

- 12 In section 9 (variation and revocation of orders), after the...

- 13 (1) Section 10 (cancellation of registration and transfer of orders)...

- 14 In section 11(1) (steps to be taken where payer is...

- 15 In section 21(1) (interpretation of Part I), in the definition...

- 16 In section 24 (application of Part I to certain orders...

- 17 In section 40 (power to apply Act with modifications by...

- 18 In section 47 (interpretation), in subsection (3) (construction of references...

SCHEDULE 12 — Consequential Amendments

PART I — AMENDMENTS CONSEQUENTIAL ON PART I OF THIS ACT

Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)

- 1 In section 150 of the Army Act 1955 and in...

Naval Discipline Act 1957 (c. 53)

- 2 In section 101 of the Naval Discipline Act 1957 (service...

Maintenance Orders Act 1958 (c. 39)

- 3 In section 1 of the Maintenance Orders Act 1958 (scope...

Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)

- 4 In section 10 of the Maintenance and Affiliation Orders Act...

Administration of Justice Act 1970 (c. 31)

- 5 In Schedule 8 to the Administration of Justice Act 1970...

Attachment of Earnings Act 1971 (c. 32)

- 6 In Schedule 1 to the Attachment of Earnings Act 1971...

Magistrates' Courts Act 1980 (c. 43)

- 7 In section 65 of the Magistrates' Courts Act 1980 (definition...

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 8 (1) In Article 88 of the Magistrates' Courts (Northern Ireland)...
PART II — AMENDMENTS CONSEQUENTIAL ON SCHEDULE 8

Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (c. 42)

- 1 In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940
after...

Maintenance Orders Act 1950 (c. 37)

- 2 In section 15(1)(b) of the Maintenance Orders Act 1950 for...

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 3 (1) In section 4 of the Maintenance Orders (Reciprocal Enforcement)...

Consumer Credit Act 1974 (c. 39)

- 4 In section 141 of the Consumer Credit Act 1974 the...
PART III — AMENDMENTS CONSEQUENTIAL ON SECTION 36

Maintenance Orders Act 1950 (c.37)

- 1 (1) The Maintenance Orders Act 1950 is amended as follows....

Maintenance Orders Act 1958 (c. 39)

- 2 In section 23(2) of the Maintenance Orders Act 1958 (provisions...

Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35) (N.I.)

- 3 (1) The Maintenance and Affiliation Orders Act (Northern Ireland)
1966...

Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/266 (N.I. 6))

4 In Article 98 of the Judgments Enforcement (Northern Ireland) Order...

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

5 (1) In Article 88 of the Magistrates' Courts (Northern Ireland)...

SCHEDULE 13 — Commencement, Transitional Provisions and Savings
PART I — COMMENCEMENT

Provisions coming into force on Royal Assent

1 The following provisions come into force on Royal Assent: Provision...

Provisions coming into force six weeks after Royal Assent

2 The following provisions come into force at the end of...

Provisions coming into force on a day to be appointed

3 (1) The other provisions of this Act come into force...

PART II — TRANSITIONAL PROVISIONS AND SAVINGS

Section 16 and Schedule 4

1 (1) Section 16 and Schedule 4 shall not apply to...

Section 18 and Schedule 6 and associated repeals

2 (1) In relation to a judgment a certificate whereof has...

Section 18 and Schedule 7

3 Schedule 7 and, so far as it relates to that...

Section 19

4 Section 19 shall not apply to judgments given before the...

Section 20 and Schedule 8

5 Section 20 and Schedule 8 shall not apply to any...

Section 26

6 The power conferred by section 26 shall not be exercisable...

Section 31

7 Section 31 shall not apply to any judgment—

Section 32 and associated repeal

8 (1) Section 32 shall not apply to any judgment—

Section 33 and associated repeal

9 (1) Section 33 shall not apply to any judgment—

Section 34

10 Section 34 shall not apply to judgments given before the...

SCHEDULE 14 — Repeals