



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

Other supplementary provisions

47 Modifications occasioned by decisions of European Court as to meaning or effect of Conventions

- (1) Her Majesty may by Order in Council—
 - (a) make such provision as Her Majesty considers appropriate for the purpose of bringing the law of any part of the United Kingdom into accord with the Conventions as affected by any principle laid down by the European Court in connection with the Conventions or by any decision of that court as to the meaning or effect of any provision of the Conventions ; or
 - (b) make such modifications of Schedule 4 or Schedule 8, or of any other statutory provision affected by any provision of either of those Schedules, as Her Majesty considers appropriate in view of any principle laid down by the European Court in connection with Title II of the 1968 Convention or of any decision of that court as to the meaning or effect of any provision of that Title.
- (2) The provision which may be made by virtue of paragraph (a) of subsection (1) includes such modifications of this Act or any other statutory provision, whenever passed or made, as Her Majesty considers appropriate for the purpose mentioned in that paragraph.
- (3) The modifications which may be made by virtue of paragraph (b) of subsection (1) include modifications designed to produce divergence between any provision of Schedule 4 or Schedule 8 and a corresponding provision of Title II of the 1968 Convention as affected by any such principle or decision as is mentioned in that paragraph.

Status: This is the original version (as it was originally enacted).

- (4) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

48 Matters for which rules of court may provide

- (1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act or the Conventions.
- (2) Rules of court may make provision as to the manner in which and the conditions subject to which a certificate or judgment registered in any court under any provision of this Act may be enforced, including provision for enabling the court or, in Northern Ireland the Enforcement of Judgments Office, subject to any conditions specified in the rules, to give directions about such matters.
- (3) Without prejudice to the generality of subsections (1) and (2), the power to make rules of court for magistrates' courts, and in Northern Ireland the power to make Judgment Enforcement Rules, shall include power to make such provision as the rulemaking authority considers necessary or expedient for the purposes of the provisions of the Conventions and this Act relating to maintenance proceedings and the recognition and enforcement of maintenance orders, and shall in particular include power to make provision as to any of the following matters—
- (a) authorising the service in another Contracting State of process issued by or for the purposes of a magistrates' court and the service and execution in England and Wales or Northern Ireland of process issued in another Contracting State;
 - (b) requesting courts in other parts of the United Kingdom or in other Contracting States to take evidence there for the purposes of proceedings in England and Wales or Northern Ireland ;
 - (c) the taking of evidence in England and Wales or Northern Ireland in response to similar requests received from such courts;
 - (d) the circumstances in which and the conditions subject to which any powers conferred under paragraphs (a) to (c) are to be exercised ;
 - (e) the admission in evidence, subject to such conditions as may be prescribed in the rules, of statements contained in documents purporting to be made or authenticated by a court in another part of the United Kingdom or in another Contracting State, or by a judge or official of such a court, which purport—
 - (i) to set out or summarise evidence given in proceedings in that court or to be documents received in evidence in such proceedings or copies of such documents; or
 - (ii) to set out or summarise evidence taken for the purposes of proceedings in England and Wales or Northern Ireland, whether or not in response to any such request as is mentioned in paragraph (b); or
 - (iii) to record information relating to the payments made under an order of that court;
 - (f) the circumstances and manner in which a magistrates' court may or must vary or revoke a maintenance order registered in that court, cancel the registration of, or refrain from enforcing, such an order or transmit such an order for enforcement in another part of the United Kingdom;
 - (g) the cases and manner in which courts in other parts of the United Kingdom or in other Contracting States are to be informed of orders made, or other things done, by or for the purposes of a magistrates' court;

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- (h) the circumstances and manner in which a magistrates court may communicate for other purposes with such courts;
 - (i) the giving of notice of such matters as may be prescribed in the rules to such persons as may be so prescribed and the manner in which such notice is to be given.
- (4) Nothing in this section shall be taken as derogating from the generality of any power to make rules of court conferred by any other enactment.

49 Saving for powers to stay, sist, strike out or dismiss proceedings

Nothing in this Act shall prevent any court in the United Kingdom from staying, sisting, striking out or dismissing any proceedings before it, on the ground of forum non conveniens or otherwise, where to do so is not inconsistent with the 1968 Convention.