

*Status: Point in time view as at 01/05/1992.*

**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, Section 2 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3C

#### TEXT OF THE LUGANO CONVENTION]

##### Textual Amendments

- F1** Sch. 3C inserted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 1(3), Sch. 1 (with s. 4); S.I. 1992/745, art. 2

### TITLE II

#### JURISDICTION

##### SECTION 2

#### SPECIAL JURISDICTION

##### *Article 5*

A person domiciled in a Contracting State may, in another Contracting State, be sued:

- 1 in matters relating to a contract, in the courts for the place of performance of the obligation in question; in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, this place shall be the place of business through which he was engaged;
- 2 in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;
- 3 in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred;
- 4 as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;

*Status: Point in time view as at 01/05/1992.*

**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, Section 2 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 5 as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;
- 7 as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:
- (a) has been arrested to secure such payment,
  - or
  - (b) could have been so arrested, but bail or other security has been given;
- provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.

#### Article 6

A person domiciled in a Contracting State may also be sued:

- 1 where he is one of a number of defendants, in the courts for the place where any one of them is domiciled;
- 2 as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;
- 3 on a counterclaim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;
- 4 in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights *in rem* in immovable property, in the court of the Contracting State in which the property is situated.

#### Article 6A

Where by virtue of this Convention a court of a Contracting State has jurisdiction in actions relating to liability arising from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that State, shall also have jurisdiction over claims for limitation of such liability.

**Status:**

Point in time view as at 01/05/1992.

**Changes to legislation:**

Civil Jurisdiction and Judgments Act 1982, Section 2 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.