



# Civil Jurisdiction and Judgments Act 1982

## 1982 CHAPTER 27

### PART IV

#### MISCELLANEOUS PROVISIONS

##### *Provisions relating to jurisdiction*

#### **26 Security in Admiralty proceedings in England and Wales or Northern Ireland in case of stay, etc.**

- (1) Where in England and Wales or Northern Ireland a court stays or dismisses Admiralty proceedings on the ground that the dispute in question should be submitted<sup>F1</sup> . . . to the determination of the courts of another part of the United Kingdom or of an overseas country, the court may, if in those proceedings property has been arrested or bail or other security has been given to prevent or obtain release from arrest—
  - (a) order that the property arrested be retained as security for the satisfaction of any award or judgment which—
    - (i) is given in respect of the dispute in the<sup>F2</sup> . . . legal proceedings in favour of which those proceedings are stayed or dismissed; and
    - (ii) is enforceable in England and Wales or, as the case may be, in Northern Ireland; or
  - (b) order that the stay or dismissal of those proceedings be conditional on the provision of equivalent security for the satisfaction of any such award or judgment.
- (2) Where a court makes an order under subsection (1), it may attach such conditions to the order as it thinks fit, in particular conditions with respect to the institution or prosecution of the relevant<sup>F3</sup> . . . legal proceedings.
- (3) Subject to any provision made by rules of court and to any necessary modifications, the same law and practice shall apply in relation to property retained in pursuance of an order made by a court under subsection (1) as would apply if it were held for the purposes of proceedings in that court.

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**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, Section 26 is up to date with all changes known to be in force on or before 16 February 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) [View outstanding changes](#)

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#### Textual Amendments

- F1** Words in s. 26(1) repealed (31.1.1997) by 1996 c. 23, s. 107(2), [Sch. 4](#); S.I. 1996/3146, art. 3, [Sch. 2](#)
- F2** Words in s. 26(1)(a)(i) repealed (31.1.1997) by 1996 c. 23, s. 107(2), [Sch. 4](#); S.I. 1996/3146, art. 3, [Sch. 2](#)
- F3** Words in s. 26(2) repealed (31.1.1997) by 1996 c. 23, s. 107(2), [Sch. 4](#); S.I. 1996/3146, art. 3, [Sch. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Sch. 8 rule 2(g) words substituted by [2024 asp 2 Sch. 1 para. 15](#)