



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART IV

MISCELLANEOUS PROVISIONS

Provisions relating to jurisdiction

27 Provisional and protective measures in Scotland in the absence of substantive proceedings.

- (1) The Court of Session may, in any case to which this subsection applies—
- (a) subject to subsection (2)(c), grant a warrant for the arrestment of any assets situated in Scotland;
 - (b) subject to subsection (2)(c), grant a warrant of inhibition over any property situated in Scotland;
 - [^{F1}(ba) subject to subsection (2)(c) below, grant a warrant for the interim attachment of corporeal moveable property situated in Scotland;] and
 - (c) grant interim interdict.
- (2) Subsection (1) applies to any case in which—
- (a) proceedings have been commenced but not concluded, or, in relation to paragraph (c) of that subsection, are to be commenced, ^{F2}... ^{F3}... [^{F4}, in another 2005 Hague Convention State] or in England and Wales or Northern Ireland;
 - [^{F5}(b) the subject-matter of the proceedings ^{F6}... [^{F7} is within scope of] ^{F8}... [^{F9} is within the scope of the 2005 Hague Convention as determined by Articles 1 and 2 of that Convention]; and]
 - (c) in relation to paragraphs (a) [^{F10}, (b) and (ba)] of subsection (1), such a warrant could competently have been granted in equivalent proceedings before a Scottish court;

but it shall not be necessary, in determining whether proceedings have been commenced for the purpose of paragraph (a) of this subsection, to show that any document has been served on or notice given to the defender.

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Section 27. (See end of Document for details)

- (3) Her Majesty may by Order in Council confer on the Court of Session power to do anything mentioned in subsection (1) or in section 28 in relation to proceedings of any of the following descriptions, namely—
- (a) proceedings commenced otherwise than in ^{F11}... ^{F12}...^{F13} a 2005 Hague Convention State];
 - (b) proceedings whose subject-matter is not within the scope of ^{F14}... ^{F15}...^{F16} the 2005 Hague Convention as determined by Articles 1 and 2 of that Convention];
 - (c) arbitration proceedings;
 - (d) in relation to subsection (1)(c) or section 28, proceedings which are to be commenced otherwise than in ^{F17}..., ^{F18}...^{F19} or a 2005 Hague Convention State].
- (4) An Order in Council under subsection (3)—
- (a) may confer power to do only certain of the things mentioned in subsection (1) or in section 28;
 - (b) may make different provision for different classes of proceedings, for proceedings pending in different countries or courts outside the United Kingdom or in different parts of the United Kingdom, and for other different circumstances; and
 - (c) may impose conditions or restrictions on the exercise of any power conferred by the Order.
- (5) Any Order in Council under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 27(1)(ba) inserted (S.) (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227(3), [sch. 5 para. 12\(a\)](#) (with s. 223); S.S.I. 2008/115, [art. 3\(2\)\(3\)](#), Sch. 1 para. 2 (with arts. 4-7, 10, 15)
- F2** Words in s. 27(2)(a) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), [34\(2\)\(a\)](#) (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 27(2)(a) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), [Sch. para. 12\(8\)\(a\)\(i\)](#) (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 27(2)(a) inserted (S.) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), [14\(2\)](#)
- F5** S. 27(2)(b) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, [Sch. 2 para. 11\(b\)](#)
- F6** Words in s. 27(2)(b) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), [34\(2\)\(b\)](#) (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 27(2)(b) substituted (S.) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), [14\(3\)\(a\)](#)
- F8** Words in s. 27(2)(b) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), [Sch. para. 12\(8\)\(a\)\(ii\)](#) (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

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- F9** Words in s. 27(2)(b) inserted (S.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **14(3)(b)**
- F10** Words in s. 27(2)(c) substituted (S.) (1.4.2008) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), ss. 226, 227(3), **sch. 5 para. 12(b)** (with s. 223); S.S.I. 2008/115, **art. 3(2)(3)**, Sch. 1 para. 2 (with arts. 4-7, 10, 15)
- F11** Words in s. 27(3)(a) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **34(3)(a)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 27(3)(a) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(8)(b)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 27(3)(a) inserted (S.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **14(4)(b)**
- F14** Words in s. 27(3)(b) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **34(3)(b)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in s. 27(3)(b) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(8)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 27(3)(b) inserted (S.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **14(5)**
- F17** Words in s. 27(3)(d) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **34(3)(c)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 27(3)(d) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(8)(b)(iii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 27(3)(d) inserted (S.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **14(6)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Section 27.