



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART IV

MISCELLANEOUS PROVISIONS

Provisions relating to recognition and enforcement of judgments

32 Overseas judgments given in proceedings brought in breach of agreement for settlement of disputes.

- (1) Subject to the following provisions of this section, a judgment given by a court of an overseas country in any proceedings shall not be recognised or enforced in the United Kingdom if—
 - (a) the bringing of those proceedings in that court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of that country; and
 - (b) those proceedings were not brought in that court by, or with the agreement of, the person against whom the judgment was given; and
 - (c) that person did not counterclaim in the proceedings or otherwise submit to the jurisdiction of that court.
- (2) Subsection (1) does not apply where the agreement referred to in paragraph (a) of that subsection was illegal, void or unenforceable or was incapable of being performed for reasons not attributable to the fault of the party bringing the proceedings in which the judgment was given.
- (3) In determining whether a judgment given by a court of an overseas country should be recognised or enforced in the United Kingdom, a court in the United Kingdom shall not be bound by any decision of the overseas court relating to any of the matters mentioned in subsection (1) or (2).
- (4) Nothing in subsection (1) shall affect the recognition or enforcement in the United Kingdom of—

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Section 32. (See end of Document for details)

- (a) a judgment which is required to be recognised or enforced there under [^{F1}the 2005 Hague Convention]^{F2}... ^{F3}... [^{F4}or the 2007 Hague Convention];
- (b) a judgment to which Part I of the ^{M1}Foreign Judgments (Reciprocal Enforcement) Act 1933 applies by virtue of section 4 of the ^{M2}Carriage of Goods by Road Act 1965, section 17(4) of the ^{M3}Nuclear Installations Act 1965, ^{F5} . . . [^{F6}regulation 8 of the Railways (Convention on International Carriage by Rail) Regulations 2005]^{F7} . . . or [^{F8}section 177(4) of the Merchant Shipping Act 1995].

Textual Amendments

- F1** Words in s. 32(4)(a) inserted (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), **16**
- F2** Words in s. 32(4)(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), **37** (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. 32(4)(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(10)** (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. 32(4)(a) inserted (coming into force in accordance with reg. 1(1) of the amending S.I.) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 (S.I. 2012/2814), reg. 1(1), **Sch. 4 para. 5(3)**
- F5** Words in s. 32(4)(b) repealed (1.1.1996) by 1995 c. 21, ss. 314(1)(2), 316(2), Schs. 12, **13**, para. 66(b) (i) (with ss. 312(1), Sch. 14 para. 1)
- F6** Words in s. 32(4) substituted (1.7.2006) by The Railways (Convention on International Carriage by Rail) Regulations 2005 (S.I. 2005/2092), reg. 9(2), **Sch. 3 para. 2** (with reg. 9(3))
- F7** Words in s. 32(4)(b) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**
- F8** Words in s. 32(4)(b) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), **Sch. 13 para. 66(b)(ii)** (with s. 312(1))

Marginal Citations

- M1** 1933 c. 13.
M2 1965 c. 37.
M3 1965 c. 57.

Changes to legislation:

There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Section 32.