***Changes to legislation:*** *Civil Jurisdiction and Judgments Act 1982, Section 41 is up to date with all changes known to be in force on or before 25 July 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*

# Civil Jurisdiction and Judgments Act 1982

**1982 CHAPTER 27**

## PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

*Domicile*

### 41 Domicile of individuals.

(1) [F1]... The following provisions of this section determine, for the purposes of [F2]...this Act, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom [F3]....

(2) An individual is domiciled in the United Kingdom if and only if—
- (a) he is resident in the United Kingdom; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.

(3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—
- (a) he is resident in that part; and
- (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.

(4) An individual is domiciled in a particular place in the United Kingdom if and only if he—
- (a) is domiciled in the part of the United Kingdom in which that place is situated; and
- (b) is resident in that place.

(5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.

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(6) In the case of an individual who—

(a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and

(b) has been so resident for the last three months or more,

the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved.

[F4](7) . . . . . .

**Textual Amendments**

**F1** Words in s. 41(1) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **39(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)

**F2** Words in s. 41(1) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **39(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)

**F3** Words in s. 41(1) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **39(2)(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)

**F4** S. 41(7) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **39(3)** (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)

**Modifications etc. (not altering text)**

**C1** S. 41 applied (S.) (10.6.2002) by S.S.I. 2002/132, art. 2, **Sch. 1 Ch. 7 Rule 7**.3(3)(a) (with art. 3)
S. 41 applied (S.) (10.6.2002) by S.S.I. 2002/133, art. 2, **Sch. 1 Ch. 8 Rule 8**.3(3)(a)

**C2** S. 41 applied by 1998 c. 41, **s. 59(1B)** (as inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 15(4)**; S.I. 2015/1630, **art. 3(j)**)

**C3** S. 41 applied by (7.6.2022) by Defamation Act (Northern Ireland) 2022 (c. 30), **ss. 6(4)**, 14

**C4** Ss. 41, 42 applied (8.8.2022) by Defamation and Malicious Publication (Scotland) Act 2021 (asp 10), **ss. 19(5)**, 39(2) (with s. 19(6)); S.S.I. 2022/154, regs. 1(2), 2

**C5** S. 41(2)(3) applied (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), **ss. 13(1)**(2), 21(2); S.I. 2016/550, art. 2

**C6** S. 41(5)(6) applied (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), **ss. 13(1)**(2), 21(2); S.I. 2016/550, art. 2

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**Changes and effects yet to be applied to :**

– s. 41 applied by 2024 c. 13 s. 173(5)

**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