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STATUTORY INSTRUMENTS

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**1990 No. 2591**

**JUDGMENTS**

**The Civil Jurisdiction and Judgments  
Act 1982 (Amendment) Order 1990**

*Made - - - - 19th December 1990*

*Coming into force in accordance with article 1*

**THE CIVIL JURISDICTION AND JUDGMENTS  
ACT 1982 (AMENDMENT) ORDER 1990**

1. This Order may be cited as the Civil Jurisdiction and...
2. In this Order “the Act” means the Civil Jurisdiction and...
3. The following shall be inserted before the final item in...
4. The following shall be substituted for the final item in...
5. The following shall be substituted for section 1(2)(a) of the...
6. The following shall be substituted for section 1(3) of the...
7. The following shall be substituted for section 2(2) of the...
8. The following shall be inserted after paragraph (c) of section...
9. The following shall be substituted for the first item in...
10. The following shall be substituted for section 39(2)(c) and (d)...
11. The following shall be substituted for section 52(2)(c) and (d)...
12. (1) The text set out in Schedule 1 to this...

Signature

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SCHEDULES

SCHEDULE 1 — TEXT OF 1968 CONVENTION, AS AMENDED

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## CONVENTION

*on jurisdiction and the enforcement of judgments in civil and commercial matters*

### PREAMBLE

*THE HIGH CONTRACTING PARTIES TO THE TREATY  
ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,*

#### TITLE I — SCOPE

##### Article 1

1. The status or legal capacity of natural persons, rights in...
2. Bankruptcy, proceedings relating to the winding-up of insolvent companies or...
3. Social security.
4. Arbitration.

#### TITLE II — JURISDICTION

##### Section 1

##### *General provisions*

##### Article 2

##### Article 3

##### Article 4

##### Section 2

##### *Special jurisdiction*

##### Article 5

1. In matters relating to a contract, in the courts for...
2. In matters relating to maintenance, in the courts for the...
3. In matters relating to tort, delict or quasi-delict, in the...
4. As regards a civil claim for damages or restitution which...
5. As regards a dispute arising out of the operations of...
6. As settlor, trustee or beneficiary of a trust created by...
7. As regards a dispute concerning the payment of remuneration claimed...

##### Article 6

1. Where he is one of a number of defendants, in...
2. As a third party in an action on a warranty...
3. On a counter-claim arising from the same contract or facts...

4. In matters relating to a contract, if the action may...

Article 6a

Section 3

***Jurisdiction in matters relating to insurance***

Article 7

Article 8

1. in the courts of the State where he is domiciled,...
2. in another Contracting State, in the courts for the place...
3. if he is a co-insurer, in the courts of a...

Article 9

Article 10

Article 11

Article 12

1. which is entered into after the dispute has arisen, or...
2. which allows the policy-holder, the insured or a beneficiary to...
3. which is concluded between a policy-holder and an insurer, both...
4. which is concluded with a policy-holder who is not domiciled...
5. which relates to a contract of insurance in so far...

Article 12a

1. Any loss of or damage to— (a) sea-going ships, installations...
2. Any liability, other than for bodily injury to passengers or...
3. Any financial loss connected with the use or operation of...
4. Any risk or interest connected with any of those referred...

Section 4

***Jurisdiction over consumer contracts***

Article 13

1. a contract for the sale of goods on instalment credit...
2. a contract for a loan repayable by instalments, or for...
3. any other contract for the supply of goods or a...

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## Article 14

## Article 15

1. which is entered into after the dispute has arisen, or...
2. which allows the consumer to bring proceedings in courts other...
3. which is entered into by the consumer and the other...

## Section 5

### ***Exclusive jurisdiction***

## Article 16

1. (a) in proceedings which have as their object rights in...
2. In proceedings which have as their object the validity of...
3. In proceedings which have as their object the validity of...
4. In proceedings concerned with the registration or validity of patents,...
5. In proceedings concerned with the enforcement of judgments, the courts...

Section 6

***Prorogation of jurisdiction***

Article 17

Article 18

Section 7

***Examination as to jurisdiction and admissibility***

Article 19

Article 20

Section 8

***Lis pendens — related actions***

Article 21

Article 22

Article 23

Section 9

***Provisional, including protective, measures***

Article 24

**TITLE III — RECOGNITION AND ENFORCEMENT**

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## Article 25

### Section 1

#### **Recognition**

## Article 26

## Article 27

1. If such recognition is contrary to public policy in the...
2. Where it was given in default of appearance, if the...
3. If the judgment is irreconcilable with a judgment given in...
4. If the court of the State of origin, in order...
5. If the judgment is irreconcilable with an earlier judgment given...

## Article 28

## Article 29

## Article 30

### Section 2

#### **Enforcement**

## Article 31

## Article 32

1. The application shall be submitted— in Belgium, to the tribunal...
2. The jurisdiction of local courts shall be determined by reference...

Article 33

Article 34

Article 35

Article 36

Article 37

1. An appeal against the decision authorizing enforcement shall be lodged...
2. The judgment given on the appeal may be contested only—...

Article 38

Article 39

Article 40

1. If the application for enforcement is refused, the applicant may...
2. The party against whom enforcement is sought shall be summoned...

Article 41

Article 42

Article 43

Article 44

Article 45

Section 3

***Common provisions***

Article 46

1. a copy of the judgment which satisfies the conditions necessary...
2. in the case of a judgment given in default, the...

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Article 47

1. documents which establish that, according to the law of the...
2. where appropriate, a document showing that the applicant is in...

Article 48

Article 49

**TITLE IV — AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS**

Article 50

Article 51

**TITLE V — GENERAL PROVISIONS**

Article 52

Article 53

**TITLE VI — TRANSITIONAL PROVISIONS**

Article 54

Article 54a

1. A person who is domiciled in a Contracting State may...
2. A claimant may arrest either the particular ship to which...
3. Ships shall be deemed to be in the same ownership...
4. When in the case of a charter by demise of...
5. The expression “maritime claim” means a claim arising out of...
6. In Denmark, the expression “arrest” shall be deemed as regards...

**TITLE VII — RELATIONSHIP TO OTHER CONVENTIONS**

Article 55

Article 56

Article 57

1. This Convention shall not affect any conventions to which the...
2. With a view to its uniform interpretation, paragraph 1 shall...
3. This Convention shall not affect the application of provisions which,...



Article 58

Article 59

1. if the action is brought to assert or declare proprietary...
2. if the property constitutes the security for a debt which...

**TITLE VIII — FINAL PROVISIONS**

Article 60

Article 61

Article 62

Article 63

Article 64

Article 65

Article 66

Article 67

Article 68

**— ANNEXED PROTOCOL**

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Article 1

Article II

Article III

Article IV

Article V

Article Va

Article Vb

Article Vc

Article Vd

Article VI

## SCHEDULE 2 — TEXT OF 1971 PROTOCOL, AS AMENDED

Article 1

Article 2

1. in Belgium: la Cour de Cassation — het Hof van...
2. The courts of the Contracting States when they are sitting...
3. In the cases provided for in Article 37 of the...

Article 3

1. Where a question of interpretation of the Convention or of...
2. Where such a question is raised before any court referred...

Article 4

1. The competent authority of a Contracting State may request the...
2. The interpretation given by the Court of Justice in response...
3. The Procurators-General of the Courts of Cassation of the Contracting...

4. The Registrar of the Court of Justice shall give notice...
5. No fees shall be levied or any costs or expenses...

#### Article 5

1. Except where this Protocol otherwise provides, the provisions of the...
2. The Rules of Procedure of the Court of Justice shall,...

#### Article 6

#### Article 7

#### Article 8

#### Article 9

#### Article 10

#### Article 11

#### Article 12

#### Article 13

#### Article 14

### SCHEDULE 3 — TEXT OF TITLES V AND VI OF THE ACCESSION CONVENTION, AS AMENDED

#### TITLE V — **TRANSITIONAL PROVISIONS**

#### Article 34

1. The 1968 Convention and the 1971 Protocol, with the amendments...
2. However, as between the six Contracting States to the 1968...
3. Moreover, as between the six Contracting States to the 1968...

#### Article 35

#### Article 36

#### TITLE VI — **FINAL PROVISIONS**

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Article 37

Article 38

Article 39

Article 40

Article 41

SCHEDULE 4 —

Explanatory Note