
STATUTORY INSTRUMENTS

1991 No. 707 (C.16)

CONTRACT

**The Contracts (Applicable Law) Act
1990 (Commencement No. 1) Order 1991**

Made - - - - 8th March 1991

The Lord Chancellor and the Lord Advocate, in exercise of the powers conferred on them by section 7 of the Contracts (Applicable Law) Act 1990⁽¹⁾, hereby make the following Order:

1. This Order may be cited as the Contracts (Applicable Law) Act 1990 (Commencement No. 1) Order 1991.

2. The following provisions of the Contracts (Applicable Law) Act 1990 shall come into force on 1st April 1991:

Section 1,

Section 2(1) insofar as it relates to the Rome Convention and the Luxembourg Convention as defined in section 1,

Section 2(2) to (4),

Section 3(3)(a),

Sections 4 to 9,

Schedules 1 to 4.

Dated 8th March 1991

Mackay of Clashfern, C.

Dated 8th March 1991

Fraser of Carmyllie

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1991 all the provisions of the Contracts (Applicable Law) Act 1990 apart from section 2(1), insofar as it relates to the Brussels Protocol referred to in section 1, and section 3(1), (2) and (3)(b).

The Act gives effect to:—

(1) the 1980 Rome Convention on the law applicable to contractual obligations, which determines which country's law is to govern contracts which have a connection with more than one country;

(2) the 1984 Luxembourg Convention, which provides for the accession of Greece to the Rome Convention; and

(3) the 1988 Brussels Protocol, which provides for the interpretation by the European Court of Justice of certain cases under the Rome Convention.

Ratification of the Rome Convention and the Luxembourg Convention by the United Kingdom will bring them into force for countries which have ratified them.

Because the Brussels Protocol requires more ratifications before it comes into force, this commencement order does not apply to those provisions of the Act which give effect to the Protocol. However, sections 1(c) and 2(4)(c), which are of a descriptive rather than an operative nature, are brought into force.