
STATUTORY INSTRUMENTS

1993 No. 603

JUDGMENTS

**The Civil Jurisdiction and Judgments
Act 1982 (Amendment) Order 1993**

Made - - - - - *10th March 1993*

Coming into force - - - - - *1st April 1993*

At the Court at Buckingham Palace, the 10th day of March 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas the Civil Jurisdiction and Judgments Act 1982(1) gave the force of law in the United Kingdom to a Convention on jurisdiction and the enforcement of judgments in civil and commercial matters(2) which was signed on 27th September 1968 and to a Convention on the accession to that Convention of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland(3), which was ratified by Her Majesty's Government on 7 October 1986:

And whereas Schedule 4 to that Act contains a modified version of Title II of the 1968 Convention for determining jurisdiction as between the various parts of the United Kingdom and Schedule 8 contains rules deriving in part from those in Title II for determining jurisdiction in Scotland:

And whereas by section 14(1) of that Act, if at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom has agreed to a revision of either of the above-mentioned Conventions, Her Majesty may by Order in Council make such modifications of that Act as Her Majesty considers appropriate in consequence of the revision:

And whereas a Convention providing for the accession of the Kingdom of Spain and the Portuguese Republic to the 1968 Convention and making amendments to Title II of that Convention(4) was signed on 26 May 1989, and in consequence Her Majesty's Government in the United Kingdom has agreed to a revision of the above-mentioned Conventions:

And whereas each House of Parliament has by a resolution approved a draft of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 14 of the Civil Jurisdiction and Judgments Act 1982 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(1) 1982 c. 27; relevant amending instruments are S.I.1989/1346, 1990/2591.

(2) OJNo. L 304, 30.10.1978, p.36.

(3) OJ No. L 304, 30.10.1978, p.1.

(4) OJ No. L 285, 30.10.1989, p.1 and S.I. 1990/2591.

1. This Order may be cited as the Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1993 and shall come into force on 1st April 1993.

2. Schedule 4 to the Civil Jurisdiction and Judgments Act 1982 (Title II of 1968 Convention as modified for allocation of jurisdiction within United Kingdom) shall be amended as follows—

(a) in Article 5, at the end of paragraph (1) there shall be inserted the words “in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, the employer may also be sued in the courts for the place where the business which engaged the employee was or is now situated.”;

(b) in Article 6, at the end of paragraph (3) there shall be inserted the following new paragraph—

“(4) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights *in rem* in immovable property, in the court of the **part of the United Kingdom** in which the property is situated.”;

(c) in Article 16, for paragraph (1) there shall be substituted the following paragraph—

(a) “(1) in proceedings which have as their object rights *in rem* in immovable property or tenancies of immovable property, the courts of the **part of the United Kingdom** in which the property is situated;

(b) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the **part of the United Kingdom** in which the defendant is domiciled shall also have jurisdiction, provided that the landlord and the tenant are natural persons and are domiciled in the same part of the United Kingdom.”;

(d) in Article 17, after the dots at the end there shall be inserted the following—

“In matters relating to individual contracts of employment an agreement conferring jurisdiction shall have legal force only if it is entered into after the dispute has arisen or if the employee invokes it to seize courts other than those for the defendant’s domicile or those specified in Article 5(1).”.

3. Schedule 8 to the Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland) shall be amended as follows—

(a) in Rule 2—

(i) in paragraph (2), at the end, there shall be added—

“in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one place, the employer may also be sued in the courts for the place where the business which engaged the employee was or is now situated.”;

(ii) after paragraph (15), there shall be added the following paragraph—

“(16) in matters relating to a contract, if the action may be combined with an action against the same defender in matters relating to rights *in rem* in immoveable property, in the courts for the place where the property is situated.”;

(b) in Rule 4(1)(a), at the end, there shall be added—

“however, in proceedings which have as their object tenancies of immoveable property concluded for temporary private use for a maximum period of six consecutive months, the courts for the place where the **defender** is domiciled shall

also have jurisdiction, provided that the landlord and the tenant are natural persons and are domiciled in **Scotland**”;

(c) in Rule 5, at the end, there shall be added the following paragraph—

“(6) In matters relating to individual contracts of employment an agreement conferring jurisdiction shall have legal force only if it is entered into after the dispute has arisen or if the employee invokes it to seise courts other than those for the **defender's** domicile or those specified in Rule 2(2).”.

N. H. Nicholls
Clerk of the Privy Council

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to Schedules 4 and 8 to the Civil Jurisdiction and Judgments Act 1982 which are appropriate in consequence of a revision of the Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in Civil and Commercial Matters. Substantive amendments were made to that Convention by the Convention signed on 26 May 1989, the primary purpose of which was to provide for the accession of Spain and Portugal to the 1968 Convention.

Schedule 4 to the 1982 Act contains rules for allocating jurisdiction between the courts of England and Wales, Scotland and Northern Ireland in civil and commercial proceedings the subject-matter of which is within the scope of the 1968 Convention. The rules are a modified version of Title II of the 1968 Convention. Schedule 8 contains rules for determining jurisdiction in Scotland, which are also based on Title II.

The amendments made by the 1989 Convention which relate to jurisdiction affect Articles 5(1) and 17(5) (contracts of employment), 6(4) (contracts and property), 16(1) (holiday homes), 17(1) (jurisdiction by agreement) and 21 (lis pendens). The amendments to Articles 5(1), 6(4), 16(1) and 17(5) are reflected in the amendments made to Schedules 4 and 8 by this Order. Articles 17(1) and 21 of the 1968 Convention had no counterpart in Schedules 4 and 8 to the 1982 Act and this Order makes no changes to those Schedules in respect of those Articles.