
STATUTORY INSTRUMENTS

1997 No. 2602

JUDGMENTS

**The Civil Jurisdiction and Judgments
Act 1982 (Gibraltar) Order 1997**

Made - - - - - *30th October 1997*
Laid before Parliament *11th November 1997*
Coming into force - - - *1st February 1998*

Her Majesty, in exercise of the power conferred on Her by section 39 of the Civil Jurisdiction and Judgments Act 1982(1) (“the 1982 Act”), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Civil Jurisdiction and Judgments Act 1982 (Gibraltar) Order 1997 and shall come into force on 1st February 1998.

- (a) Provision corresponding to that made by the provisions of the 1968 Convention specified in paragraph (b) shall apply, so far as relevant, for the purpose of regulating, as between the United Kingdom and Gibraltar, the jurisdiction of courts and the recognition and enforcement of judgments.
- (b) Those provisions are—
 - (i) Titles I–V;
 - (ii) Articles 54 and 57; and
 - (iii) Article 65 and the Protocol referred to therein.

3. For the purpose stated in Article 2 above the United Kingdom and Gibraltar shall be treated as if each were a separate Contracting State and the relevant provisions of the 1968 Convention and the 1982 Act shall be construed accordingly.

4. In determining any question as to the meaning or effect of the provision (or any part of the provision) made by Article 2 above—

- (a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the 1968 Convention and to any relevant decision of that court as to the meaning or effect of any provision of that Title; and
- (b) without prejudice to the generality of paragraph (a), the reports mentioned in section 3(3) of the 1982 Act may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.

(1) 1982 c. 27; section 39 has been amended by the Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990, S.I.1990/2591.

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5. A judgment shall not be recognised under this Order if, had it been given in another Contracting State, recognition would be refused by virtue of an agreement to which Article 59 of the 1968 Convention applies.

6. This Order extends to Northern Ireland.

N.H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

The effect of this Order is to make provision corresponding to the relevant provisions of the 1968 Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (the Brussels Convention) for the purpose of regulating, as between the United Kingdom and Gibraltar, the jurisdiction of courts and the recognition and enforcement of judgments. For this purpose the Order provides, in effect, that Gibraltar shall be treated as if it were a separate Contracting State. The Order also provides that, where relevant, certain authorities on the interpretation of the Brussels Convention are to be taken into account when interpreting the provision made by the Order. The Order also provides that a judgment given in Gibraltar will not be recognised in the United Kingdom if, had it been given in another Contracting State, recognition would be refused by virtue of an agreement to which Article 59 of the Brussels Convention applies.