
STATUTORY INSTRUMENTS

1997 No. 2780 (S.174)

JUDGMENTS

**The Civil Jurisdiction and Judgments Act 1982 (Provisional
and Protective Measures) (Scotland) Order 1997**

Made - - - - - *26th November 1997*
Laid before Parliament *8th December 1997*
Coming into force - - - *1st January 1998*

At the Court at Buckingham Palace, the 26th day of November 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the power conferred on Her by section 27(3) and (4) of the Civil Jurisdiction and Judgments Act 1982(1), 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 (Provisional and Protective Measures) (Scotland) Order 1997 and shall come into force on 1st January 1998.

2. The Court of Session shall have power to do anything mentioned in section 27(1) or 28(2) of the Civil Jurisdiction and Judgments Act 1982 in relation to proceedings of the following descriptions, namely:—

- (a) proceedings commenced otherwise than in a Brussels or Lugano Contracting State;
- (b) proceedings whose subject-matter is not within the scope of the 1968 Convention as determined by Article 1 thereof.

3. The Court of Session shall have power—

- (a) to grant interim interdict under subsection (1)(c) of section 27 of the Civil Jurisdiction and Judgments Act 1982;
- (b) to act as described in section 28 of that Act,

in relation to proceedings which are to be commenced otherwise than in a Brussels or Lugano Contracting State.

(1) 1982 c. 27; section 27(3) was amended by paragraph 12(b) of Schedule 2 to the Civil Jurisdiction and Judgments Act 1991 (c. 12).
(2) Section 28 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 24 and the Civil Jurisdiction and Judgments Act 1991, Schedule 2, paragraph 12.

Status: *This is the original version (as it was originally made).*

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enlarges the power of the Court of Session to grant provisional and protective measures in aid of legal proceedings in other countries. At present such measures can only be granted where the principal proceedings are taking place in a country which is a party to the 1968 Brussels Convention or the 1988 Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters and where the proceedings are within the scope of those Conventions. This Order removes those two limitations from the Court's powers.