

2015 No. 1

JUDGMENTS

**The Civil Jurisdiction and Judgments (Amendment) (Scotland)
Regulations 2015**

<i>Made</i>	- - - -	<i>7th January 2015</i>
<i>Laid before the Scottish Parliament</i>		<i>9th January 2015</i>
<i>Coming into force</i>	- -	<i>7th February 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil Jurisdiction and Judgments (Amendment) (Scotland) Regulations 2015 and come into force on 7th February 2015.

(2) These regulations extend only to Scotland.

Amendment to the Civil Jurisdiction and Judgments Order 2001

2.—(1) The Civil Jurisdiction and Judgments Order 2001(b) is amended as follows.

(2) In Schedule 1 (the Regulation), after paragraph 2A (adaptation orders: Northern Ireland)(c) insert—

“Adaptation orders: Scotland

2B.—(1) This paragraph applies in relation to proceedings in Scotland in relation to the adaptation of a measure or order pursuant to Article 54 of the Regulation.

(2) In this paragraph, an “adaptation order” means an order for the adaptation of a measure or order which is contained in a foreign judgment but is unknown under the law of Scotland pursuant to Article 54 of the Regulation.

(a) 1972 c.68 (“the 1972 Act”). Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union Amendment Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 2001/3929, relevant amending instruments are S.I. 2007/1655 and S.I. 2014/2947.

(c) Paragraph 2A is inserted, with effect from 10th January 2015, by paragraph 3(4) of Schedule 2 to the Civil Jurisdiction and Judgments (Amendment) Regulations 2014 (S.I. 2014/2947).

(3) An application for an adaptation order or a challenge under Article 54(2) of the Regulation to the adaptation of any measure or order without an adaptation order must be made to the Court of Session.”.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
7th January 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to further facilitate the application in Scotland of Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12th December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (“the Regulation”).

They amend the Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929) (“the 2001 Order”) to make it explicit that an application in terms of Article 54 of the Regulation for an order adapting a measure or order which is contained in a foreign judgment but is unknown under the law of Scotland (an “adaptation order”), or an application to challenge such an adaptation made without an order, must be made to the Court of Session. Further relevant amendments to the 2001 Order are made, with effect from 10th January 2015, by the Civil Jurisdiction and Judgments (Amendment) Regulations 2014 (S.I. 2014/2947).

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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