
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Civil Jurisdiction and Judgments
(Amendment) (EU Exit) Regulations 2019**

Part 6

Savings

Savings relating to jurisdiction, recognition and enforcement

92.—(1) Subject to paragraph (5) and to regulation 93, this regulation applies—

- (a) where one of the relevant instruments applies immediately before exit day to determine questions relating to the jurisdiction of a court in any part of the United Kingdom to hear proceedings of which that court was seised before exit day and which are not concluded before exit day;
- (b) in relation to recognition or enforcement by a court in any part of the United Kingdom of—
 - (i) a judgment or decision given in proceedings of which a court in a State bound by a relevant instrument was seised before exit day;
 - (ii) a court settlement concluded, or authentic instrument registered, before exit day in a State bound by a relevant instrument,

where the question of recognition or enforcement has not arisen for consideration by the first mentioned court before exit day, or having so arisen, that court has not concluded its consideration before that day.

(2) The relevant instruments referred to in paragraph (1) are—

- (a) the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial matters, signed at Brussels on 27 September 1968;
- (b) the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, between the member States of the European Communities and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, signed by the member States on 16 September 1988;
- (c) the Agreement between the European Community and the Kingdom of Denmark on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial matters, of 19 October 2005;
- (d) the 2007 Lugano Convention;
- (e) Regulation (EC) No 44/2001;
- (f) Regulation (EU) No 1215/2012.

(3) Notwithstanding the provision made by these Regulations, and subject to regulation 93, on and after exit day—

- (a) the relevant instruments, as they are incorporated or saved by sections 3 and 4 of the European Union (Withdrawal) Act 2018, continue to have effect in relation to questions

of jurisdiction, or recognition or enforcement, mentioned in paragraph (1) as if those instruments had not been revoked by these Regulations and the United Kingdom remained a member State;

- (b) EU-derived domestic legislation relating to the relevant instruments, as it is saved by section 2 of the European Union (Withdrawal) Act 2018, continues to have effect in relation to questions of jurisdiction, or recognition or enforcement, mentioned in paragraph (1) as if the provision made by these Regulations in respect of that legislation had not been made and the United Kingdom remained a member State.

(4) In this regulation, a reference to “recognition” includes non-recognition if the context so requires.

(5) This regulation does not apply to a maintenance obligation or request to which the International Recovery of Maintenance (Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007) (EU Exit) Regulations 2018(1) apply.