

Changes to legislation: There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, CHAPTER II. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 3F

TEXT OF THE 2005 HAGUE CONVENTION

Textual Amendments

- F1** Sch. 3F inserted (31.12.2020) by Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), **Sch. 3** (with s. 3(1), Sch. 5 para. 7)

CONVENTION ON CHOICE OF COURT AGREEMENTS

CHAPTER II

JURISDICTION

Article 5

Jurisdiction of the chosen court

- (1) The court or courts of a Contracting State designated in an exclusive choice of court agreement shall have jurisdiction to decide a dispute to which the agreement applies, unless the agreement is null and void under the law of that State.
- (2) A court that has jurisdiction under paragraph 1 shall not decline to exercise jurisdiction on the ground that the dispute should be decided in a court of another State.
- (3) The preceding paragraphs shall not affect rules—
 - (a) on jurisdiction related to subject matter or to the value of the claim;
 - (b) on the internal allocation of jurisdiction among the courts of a Contracting State.

However, where the chosen court has discretion as to whether to transfer a case, due consideration should be given to the choice of the parties.

Article 6

Obligations of a court not chosen

A court of a Contracting State other than that of the chosen court shall suspend or dismiss proceedings to which an exclusive choice of court agreement applies unless—

- (a) the agreement is null and void under the law of the State of the chosen court;
- (b) a party lacked the capacity to conclude the agreement under the law of the State of the court seised;

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- (c) giving effect to the agreement would lead to a manifest injustice or would be manifestly contrary to the public policy of the State of the court seised;
- (d) for exceptional reasons beyond the control of the parties, the agreement cannot reasonably be performed; or
- (e) the chosen court has decided not to hear the case.

Article 7

Interim measures of protection

Interim measures of protection are not governed by this Convention. This Convention neither requires nor precludes the grant, refusal or termination of interim measures of protection by a court of a Contracting State and does not affect whether or not a party may request or a court should grant, refuse or terminate such measures.]

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