

*Changes to legislation:* There are currently no known outstanding effects for the Civil Jurisdiction and Judgments Act 1982, Paragraph 2. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 8

#### RULES AS TO JURISDICTION IN SCOTLAND

##### Textual Amendments

**F1** Sch. 8 substituted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, [Sch. 2 para. 7](#)

##### Modifications etc. (not altering text)

**C1** Sch. 8 applied (with modifications) (1.10.2008) by [The Housing \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2008 \(S.I. 2008/1889\)](#), [art. 5\(3\)](#)

#### *Special jurisdiction*

- 2 Subject to rules 3 (jurisdiction over consumer contracts), 4 (jurisdiction over individual contracts of employment), 5 (exclusive jurisdiction) and 6 (prorogation), a person may also be sued—
- (a) where he has no fixed residence, in a court within whose jurisdiction he is personally cited;
  - (b) in matters relating to a contract, in the courts for the place of performance of the obligation in question;
  - (c) in matters relating to delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;
  - (d) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings to the extent that the court has jurisdiction to entertain civil proceedings;
  - [<sup>F2</sup>(e) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which has jurisdiction to entertain those proceedings, provided that an action of affiliation and aliment shall be treated as a matter relating to maintenance which is not ancillary to proceedings concerning the status of a person;]
  - (e) <sup>F3</sup> .....
  - (f) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;
  - (g) in his capacity as settlor, trustee or beneficiary of a trust domiciled in Scotland created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the Court of Session, or the appropriate sheriff court within the meaning of section 24A of the Trusts (Scotland) Act 1921;

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- [<sup>F4</sup>(ga) in the person's capacity as an executor (where confirmation has been obtained in Scotland)—
- (i) in the Court of Session, or
  - (ii) before a sheriff of the sheriffdom in which confirmation was obtained.]
- (h) where he is not domiciled in the United Kingdom, in the courts for any place where—
- (i) any movable property belonging to him has been arrested; or
  - (ii) any immovable property in which he has any beneficial interest is situated;
- (i) in proceedings which are brought to assert, declare or determine proprietary or possessory rights, or rights of security, in or over movable property, or to obtain authority to dispose of movable property, in the courts for the place where the property is situated;
- (j) in proceedings for interdict, in the courts for the place where it is alleged that the wrong is likely to be committed;
- (k) in proceedings concerning a debt secured over immovable property, in the courts for the place where the property is situated;
- (l) in proceedings which have as their object a decision of an organ of a company or other legal person or of an association of natural or legal persons, in the courts for the place where that company, legal person or association has its seat;
- (m) in proceedings concerning an arbitration which is conducted in Scotland or in which the procedure is governed by Scots law, in the Court of Session;
- (n) in proceedings principally concerned with the registration in the United Kingdom or the validity in the United Kingdom of patents, trade marks, designs or other similar rights required to be deposited or registered, in the Court of Session;
- (o)
- (i) where he is one of a number of defenders, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;
  - (ii) as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;
  - (iii) on a counterclaim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;
- (p) in matters relating to a contract, if the action may be combined with an action against the same defender in matters relating to rights in rem in immovable property, in the courts for the place where the property is situated;
- (q) as regards a claim for limitation of liability arising from the use or operation of a ship, in the court having jurisdiction in the action relating to such liability.]

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#### Textual Amendments

- F2** Sch. 8 para. 2(e) inserted by S.I. 2019/519, Sch. para. 12(14) (as inserted (31.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **5(3)(d)**)
- F3** Sch. 8 para. 2(e) repealed (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), **Sch. 4 para. 13**
- F4** Sch. 8 rule 2(ga) inserted (S.) (1.11.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 27(2)**, 31(2); S.S.I. 2016/210, reg. 2(1)(a)(2)

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