



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART IV

MISCELLANEOUS PROVISIONS

Provisions relating to jurisdiction

25 Interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings.

- (1) The High Court in England and Wales or Northern Ireland shall have power to grant interim relief where—
 - (a) proceedings have been or are to be commenced in ^{F1}...^{F2} a 2005 Hague Convention State^{F3}... ^{F4}... other than the United Kingdom or in a part of the United Kingdom other than that in which the High Court in question exercises jurisdiction; and
 - ^{F5}(b) they are or will be proceedings whose subject-matter is ^{F6}... ^{F7}... ^{F8}... within scope of the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention (whether or not ^{F9}... ^{F10}... ^{F11}... the 2005 Hague Convention has effect in relation to the proceedings).]
- (2) On an application for any interim relief under subsection (1) the court may refuse to grant that relief if, in the opinion of the court, the fact that the court has no jurisdiction apart from this section in relation to the subject-matter of the proceedings in question makes it inexpedient for the court to grant it.
- (3) Her Majesty may by Order in Council extend the power to grant interim relief conferred by subsection (1) so as to make it exercisable in relation to proceedings of any of the following descriptions, namely—
 - (a) proceedings commenced or to be commenced otherwise than in ^{F12}...^{F13} a 2005 Hague Convention State^{F14}... ^{F15}...;
 - (b) proceedings whose subject-matter is not within the scope ^{F16}... of ^{F17}... ^{F18}..., ^{F19}...^{F20} the 2005 Hague Convention as determined by Articles 1 and 2 of the 2005 Hague Convention.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Section 25 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F21}(c)

(4) An Order in Council under subsection (3)—

- (a) may confer power to grant only specified descriptions of interim relief;
- (b) may make different provision for different classes of proceedings, for proceedings pending in different countries or courts outside the United Kingdom or in different parts of the United Kingdom, and for other different circumstances; and
- (c) may impose conditions or restrictions on the exercise of any power conferred by the Order.

^{F22}(5)

(6) Any Order in Council under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section “interim relief”, in relation to the High Court in England and Wales or Northern Ireland, means interim relief of any kind which that court has power to grant in proceedings relating to matters within its jurisdiction, other than—

- (a) a warrant for the arrest of property; or
- (b) provision for obtaining evidence.

Textual Amendments

- F1** Words in s. 25(1)(a) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **33(2)(a)(i)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 25(1)(a) inserted (E.W.N.I.) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015](#) (S.I. 2015/1644), regs. 1(1), **13(2)**
- F3** Words in s. 25(1)(a) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **33(2)(a)(ii)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 25(1)(a) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 12(7)(a)(i)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 25(1)(b) substituted (E.W.N.I.) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015](#) (S.I. 2015/1644), regs. 1(1), **13(3)**
- F6** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **33(2)(b)(i)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 12(7)(a)(ii)(aa)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **33(2)(b)(ii)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **33(2)(b)(iii)** (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

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- F10** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(7)(a)(ii)(bb)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 25(1)(b) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **33(2)(b)(iv)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 25(3)(a) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **33(3)(a)(i)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 25(3)(a) inserted (E.W.N.I.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **13(2)**
- F14** Words in s. 25(3)(a) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **33(3)(a)(ii)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in s. 25(3)(a) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(7)(b)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in s. 25(3)(b) omitted (18.6.2011) by virtue of The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), **Sch. 4 para. 6(3)(b)**
- F17** Words in s. 25(3)(b) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **33(3)(b)(i)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 25(3)(b) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(7)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 25(3)(b) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **33(3)(b)(ii)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in s. 25(3)(b) inserted (E.W.N.I.) (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **13(4)(b)**
- F21** S. 25(3)(c) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4**; S.I. 1996/3146, art. 3, **Sch. 2**
- F22** S. 25(5) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4**, S.I. 1996/3146, art. 3, Sch. 2

Modifications etc. (not altering text)

- C1** S. 25(3) applied (with modifications) (31.12.2020) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018 (S.I. 2018/1124), regs. 1, **7(3)**; 2020 c. 1, Sch. 5 para. 1(1)

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