Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART V
SUPPLEMENTARY AND GENERAL PROVISIONS

Domicile

41 Domicile of individuals.

(1) Subject to Article 52 (which contains provisions for determining whether a party is domiciled in a Contracting State), the following provisions of this section determine, for the purposes of the 1968 Convention F1... and this Act, whether an individual is domiciled in the United Kingdom or in a particular part of, or place in, the United Kingdom or in a state other than a Contracting State.

(2) An individual is domiciled in the United Kingdom if and only if—
   (a) he is resident in the United Kingdom; and
   (b) the nature and circumstances of his residence indicate that he has a substantial connection with the United Kingdom.

(3) Subject to subsection (5), an individual is domiciled in a particular part of the United Kingdom if and only if—
   (a) he is resident in that part; and
   (b) the nature and circumstances of his residence indicate that he has a substantial connection with that part.

(4) An individual is domiciled in a particular place in the United Kingdom if and only if he—
   (a) is domiciled in the part of the United Kingdom in which that place is situated; and
   (b) is resident in that place.

(5) An individual who is domiciled in the United Kingdom but in whose case the requirements of subsection (3)(b) are not satisfied in relation to any particular part of
the United Kingdom shall be treated as domiciled in the part of the United Kingdom in which he is resident.

(6) In the case of an individual who—

(a) is resident in the United Kingdom, or in a particular part of the United Kingdom; and

(b) has been so resident for the last three months or more,

the requirements of subsection (2)(b) or, as the case may be, subsection (3)(b) shall be presumed to be fulfilled unless the contrary is proved.

(7) An individual is domiciled in a state other than a Contracting State if and only if—

(a) he is resident in that state; and

(b) the nature and circumstances of his residence indicate that he has a substantial connection with that state.

Annotations:

Amendments (Textual)
F1 Words in s. 41(1) omitted (1.1.2010) by virtue of The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), reg. 18(1) (with reg. 48)

Modifications etc. (not altering text)
C1 S. 41 applied (S.) (10.6.2002) by S.S.I. 2002/132, art. 2, Sch. 1 Ch. 7 Rule 7.3(3)(a) (with art. 3)
S. 41 applied (S.) (10.6.2002) by S.S.I. 2002/133, art. 2, Sch. 1 Ch. 8 Rule 8.3(3)(a)
C2 S. 41 applied by 1998 c. 41, s. 59(1B) (as inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), Sch. 8 para. 15(4); S.I. 2015/1630, art. 3(j))
C3 S. 41(2)(3) applied (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), ss. 13(1)(2), 21(2); S.I. 2016/550, art. 2
C4 S. 41(5)(6) applied (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), ss. 13(1)(2), 21(2); S.I. 2016/550, art. 2
Changes to legislation:
Civil Jurisdiction and Judgments Act 1982, Section 41 is up to date with all changes known to be in force on or before 26 June 2019. 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.

Changes and effects yet to be applied to:
- s. 41(1) words omitted by S.I. 2019/479 reg. 39(2)(a)
- s. 41(1) words omitted by S.I. 2019/479 reg. 39(2)(b)
- s. 41(1) words omitted by S.I. 2019/479 reg. 39(2)(c)
- s. 41(7) omitted by S.I. 2019/479 reg. 39(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act applied (with modifications) by S.I. 2018/1124 reg. 7(1)(2)
- Act applied (with modifications) by S.I. 2018/1125 reg. 8

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 15A-15E and cross-heading inserted by S.I. 2019/479 reg. 26
- s. 16(1A) inserted by S.I. 2019/479 reg. 28(3)
- s. 16(3A) inserted by S.I. 2019/479 reg. 28(5)
- s. 20(6) inserted by S.I. 2019/479 reg. 31(4)
- s. 42(4A) inserted by S.I. 2019/479 reg. 41(3)
- s. 42(6A) inserted by S.I. 2019/479 reg. 41(5)
- s. 42A inserted by S.I. 2019/479 reg. 42
- Sch. 4 rule 7 omitted by S.I. 2019/479 reg. 59(a)
- Sch. 4 rule 8 omitted by S.I. 2019/479 reg. 59(a)
- Sch. 4 rule 9 omitted by S.I. 2019/479 reg. 59(a)
- Sch. 4 rule 10 omitted by S.I. 2019/479 reg. 59(a)
- Sch. 4 rule 12(3) words omitted by S.I. 2019/479 reg. 59(b)