



# Contracts (Applicable Law) Act 1990

## 1990 CHAPTER 36

An Act to make provision as to the law applicable to contractual obligations in the case of conflict of laws. [26th July 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act applied (1.12.2001) by [S.I. 2001/2635, regs. 1, 7](#) (subject to [regs. 4-6](#)); [S.I. 2001/3538, art. 2\(1\)](#)  
Act applied (1.12.2001) by [S.I. 2001/2635, regs. 1, 10](#) (subject to [regs. 8, 9](#)); [S.I. 2001/3538, art. 2\(1\)](#)

### [<sup>F1</sup>1] Meaning of “the Rome Convention”

In this Act, a reference to the Rome Convention is a reference to the provisions contained in Schedule 1 (which is derived from the Convention on the law applicable to contractual obligations opened for signature in Rome on 19th June 1980).]

### Textual Amendments

- F1 S. 1 substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), [regs. 1, 3\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Commencement Information

- II S. 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

## 2 [<sup>F2</sup>Application of the Rome Convention]

[<sup>F3</sup>(1) The Rome Convention applies to contracts made on or after 1st April 1991.]

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

- <sup>F4</sup>(1A) .....
- <sup>F5</sup>(2) .....
- (3) [<sup>F6</sup>The Rome Convention] shall apply in the case of conflicts between the laws of different parts of the United Kingdom.
- <sup>F7</sup>(4) .....

#### Textual Amendments

- F2** S. 2 heading substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 2(1) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 2(1A) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 2(2) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 2(3) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 2(4) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I2** S. 2 partly in force; s. 2(1) in force for certain purposes at 1.4.1991 and s. 2(2)-(4) fully in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**
- I3** S. 2(1) in force at 1.3.2005 for specified purposes by [S.I. 2004/3448](#), **art. 2(a)**

### 3 Interpretation of [<sup>F8</sup>the Rome Convention].

<sup>F9</sup>(1) Any question as to the meaning or effect of any provision of the Rome Convention is to be decided in accordance with section 6 of the European Union (Withdrawal) Act 2018 (interpretation of retained EU law).]

<sup>F10</sup>(2) .....

(3) Without prejudice to any practice of the courts as to the matters which may be considered apart from this subsection—

- (a) the report on the [<sup>F11</sup>Convention on the law applicable to contractual obligations] by Professor Mario Giuliano and Professor Paul Lagarde which is reproduced in the Official Journal of the <sup>M1</sup>Communities of 31st October 1980 may be considered in ascertaining the meaning or effect of any provision of [<sup>F12</sup>the Rome Convention]; <sup>F13</sup>...

<sup>F13</sup>(b) .....

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

#### Textual Amendments

- F8** Words in s. 3 heading substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 3(1) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 3(2) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 3(3)(a) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 3(3)(a) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 3(3)(b) and word omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I4** S. 3 partly in force; s. 3(a) in force 1.4.1991 by s. 7 and S.I. 1991/707, **art. 2**
- I5** S. 3(1)(2)(3)(b) in force at 1.3.2005 by S.I. 2004/3448, **art. 2(b)**

#### Marginal Citations

- M1** O.J.1980 No.C282/1.

#### <sup>F14</sup> **Revision of Conventions etc.**

.....

#### Textual Amendments

- F14** S. 4 omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F15</sup> **4A. Disapplication where the rules in the Rome I Regulations apply: England and Wales and Northern Ireland**

(1) Nothing in this Act applies to affect the determination of issues relating to contractual obligations which fall to be determined under the Rome I Regulation.

<sup>F16</sup>(2) In this section “the Rome I Regulation” means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as retained direct EU legislation (including that Regulation as applied by regulation 5 of the Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009), unless the issues are ones in respect of which Regulation (EC) No. 593/2008 has effect by virtue

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of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.]

(3) This section extends to England and Wales and Northern Ireland only.]

#### Textual Amendments

- F15** S. 4A inserted (E.W.N.I.) (17.12.2009) by [The Law Applicable to Contractual Obligations \(England and Wales and Northern Ireland\) Regulations 2009 \(S.I. 2009/3064\)](#), regs. 1(1), 2
- F16** S. 4A(2) substituted (31.12.2020) by [S.I. 2019/834, reg. 3\(6\)](#) (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 6(4)(a))

#### [<sup>F17</sup>4B. Disapplication where the rules in the Rome I Regulation apply: Scotland

(1) Nothing in this Act applies to affect the determination of issues relating to contractual obligations which fall to be determined by the Rome I Regulation.

[<sup>F18</sup>(2) In this section—

“the Rome I Regulation” means Regulation [\(EC\) No. 593/2008](#) of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as retained direct EU legislation (including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009), unless the issues are ones in respect of which Regulation [\(EC\) No. 593/2008](#) has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.]

(3) This section extends to Scotland only.]

#### Textual Amendments

- F17** S. 4B inserted (S.) (17.12.2009) by [Law Applicable to Contractual Obligations \(Scotland\) Regulations 2009 \(S.S.I. 2009/410\)](#), regs. 1(1), 2(a)
- F18** S. 4B(2) substituted (31.12.2020) by [S.I. 2019/834, reg. 3\(7\)](#) (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, 6(4)(b))

## 5 Consequential amendments.

The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule.

#### Commencement Information

- I6** S. 5 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

## 6 Application to Crown.

This Act binds the Crown.

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*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Commencement Information**

**I7** S. 6 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**7 Commencement.**

This Act shall come into force on such day as the Lord Chancellor and the Lord Advocate may by order made by statutory instrument appoint; and different days may be appointed for different provisions or different purposes.

**Subordinate Legislation Made**

**P1** S. 7 power of appointment conferred by s. 7 exercised by [S.I.1991/707](#)

**Commencement Information**

**I8** S. 7 wholly in force at 1.4.1991 see [S.I. 1991/707](#), art. 2

**8 Extent.**

(1) [<sup>F19</sup>Except as provided by virtue of section 4B(3), this] Act extends to Northern Ireland.

<sup>F20</sup>(2) .....

<sup>F21</sup>(3) .....

**Textual Amendments**

**F19** Words in s. 8(1) substituted (S.) (17.12.2009) by [Law Applicable to Contractual Obligations \(Scotland\) Regulations 2009 \(S.S.I. 2009/410\)](#), regs. 1(1), **2(b)**

**F20** S. 8(2) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(8)**; 2020 c. 1, Sch. 5 para. 1(1)

**F21** S. 8(3) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(8)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I9** S. 8 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**9 Short title.**

This Act may be cited as the Contracts (Applicable Law) Act 1990.

**Commencement Information**

**I10** S. 9 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 2.

#### THE ROME CONVENTION

##### Commencement Information

**I11** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

F22  
...

##### Textual Amendments

**F22** Words in Sch. 1 omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE I

### SCOPE OF THE CONVENTION

##### Commencement Information

**I12** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

#### *Article 1*

##### *Scope of the Convention*

1 The rules of this Convention shall apply to contractual obligations in any situation involving a choice between the laws of different countries.

##### Commencement Information

**I13** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

2 They shall not apply to:

- (a) questions involving the status or legal capacity of natural persons, without prejudice to Article 11;
- (b) contractual obligations relating to:

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- wills and succession,
  - rights in property arising out of a matrimonial relationship,
  - rights and duties arising out of a family relationship, parentage, marriage or affinity, including maintenance obligations in respect of children who are not legitimate;
- (c) obligations arising under bills of exchange, cheques and promissory notes and other negotiable instruments to the extent that the obligations under such other negotiable instruments arise out of their negotiable character;
- (d) arbitration agreements and agreements on the choice of court;
- (e) questions governed by the law of companies and other bodies corporate or unincorporate such as the creation, by registration or otherwise, legal capacity, internal organisation or winding up of companies and other bodies corporate or unincorporate and the personal liability of officers and members as such for the obligations of the company or body;
- (f) the question whether an agent is able to bind a principal, or an organ to bind a company or body corporate or unincorporate, to a third party;
- (g) the constitution of trusts and the relationship between settlors, trustees and beneficiaries;
- (h) evidence and procedure, without prejudice to Article 14.

#### Commencement Information

**I14** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 3 The rules of this Convention do not apply to contracts of insurance which cover risks situated in the territories of the [<sup>F23</sup>United Kingdom or any Member State] of the European Economic Community. <sup>F24</sup>...

#### Textual Amendments

**F23** Words in Sch. 1 Art. 1(3) substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(9\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F24** Words in Sch. 1 Art. 1(3) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(9\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I15** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 4 The preceding paragraph does not apply to contracts of re–insurance.

#### Commencement Information

**I16** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

*[<sup>F25</sup>Application of law of a country outside of the United Kingdom]*

**Textual Amendments**

**F25** Sch. 1 Art. 2 heading substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(9)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

Any law specified by this Convention shall be applied whether or not it is the law of [<sup>F26</sup>the United Kingdom or a part of the United Kingdom].

**Textual Amendments**

**F26** Words in Sch. 1 Art. 2 substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(9)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I17** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**TITLE II**

UNIFORM RULES

**Commencement Information**

**I18** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

*Article 3*

*Freedom of choice*

- 1 A contract shall be governed by the law chosen by the parties. The choice must be express or demonstrated with reasonable certainty by the terms of the contract or the circumstances of the case. By their choice the parties can select the law applicable to the whole or a part only of the contract.

**Commencement Information**

**I19** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

- 2 The parties may at any time agree to subject the contract to a law other than that which previously governed it, whether as a result of an earlier choice under this Article or of other provisions of this Convention. Any variation by the parties of the law to be applied made after the conclusion of the contract shall not prejudice its formal validity under Article 9 or adversely affect the rights of third parties.



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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Commencement Information**

**I20** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 3 The fact that the parties have chosen a foreign law, whether or not accompanied by the choice of a foreign tribunal, shall not, where all the other elements relevant to the situation at the time of the choice are connected with one country only, prejudice the application of rules of the law of that country which cannot be derogated from by contract, hereinafter called “mandatory rules”.

**Commencement Information**

**I21** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 4 The existence and validity of the consent of the parties as to the choice of the applicable law shall be determined in accordance with the provisions of Articles 8, 9 and 11.

**Commencement Information**

**I22** Schedule 1 wholly in force at 1.4. 1991 see s. 7 and [S.I. 1991/707, art. 2](#)

*Article 4*

*Applicable law in the absence of choice*

- 1 To the extent that the law applicable to the contract has not been chosen in accordance with Article 3, the contract shall be governed by the law of the country with which it is most closely connected. Nevertheless, a severable part of the contract which has a closer connection with another country may by way of exception be governed by the law of that other country.

**Commencement Information**

**I23** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 Subject to the provisions of paragraph 5 of this Article, it shall be presumed that the contract is most closely connected with the country where the party who is to effect the performance which is characteristic of the contract has, at the time of conclusion of the contract, his habitual residence, or, in the case of a body corporate or unincorporate, its central administration. However, if the contract is entered into in the course of that party’s trade or profession, that country shall be the country in which the principal place of business is situated or, where under the terms of the contract the performance is to be effected through a place of business other than the principal place of business, the country in which that other place of business is situated.

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Commencement Information**

**I24** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 3 Notwithstanding the provisions of paragraph 2 of this Article, to the extent that the subject matter of the contract is a right in immovable property or a right to use immovable property it shall be presumed that the contract is most closely connected with the country where the immovable property is situated.

**Commencement Information**

**I25** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 4 A contract for the carriage of goods shall not be subject to the presumption in paragraph 2. In such a contract if the country in which, at the time the contract is concluded, the carrier has his principal place of business is also the country in which the place of loading or the place of discharge or the principal place of business of the consignor is situated, it shall be presumed that the contract is most closely connected with that country. In applying this paragraph single voyage charter–parties and other contracts the main purpose of which is the carriage of goods shall be treated as contracts for the carriage of goods.

**Commencement Information**

**I26** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 5 Paragraph 2 shall not apply if the characteristic performance cannot be determined, and the presumptions in paragraphs 2, 3 and 4 shall be disregarded if it appears from the circumstances as a whole that the contract is more closely connected with another country.

**Commencement Information**

**I27** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

*Article 5*

*Certain consumer contracts*

- 1 This Article applies to a contract the object of which is the supply of goods or services to a person (“the consumer”) for a purpose which can be regarded as being outside his trade or profession, or a contract for the provision of credit for that object.

**Commencement Information**

**I28** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

2 Notwithstanding the provisions of Article 3, a choice of law made by the parties shall not have the result of depriving the consumer of the protection afforded to him by the mandatory rules of the law of the country in which he has his habitual residence:

–if in that country the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising, and he had taken in that country all the steps necessary on his part for the conclusion of the contract, or

–if the other party or his agent received the consumer’s order in that country, or

–if the contract is for the sale of goods and the consumer travelled from that country to another country and there gave his order, provided that the consumer’s journey was arranged by the seller for the purpose of inducing the consumer to buy.

**Commencement Information**

**I29** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

3 Notwithstanding the provisions of Article 4, a contract to which this Article applies shall, in the absence of choice in accordance with Article 3, be governed by the law of the country in which the consumer has his habitual residence if it is entered into in the circumstances described in paragraph 2 of this Article.

**Commencement Information**

**I30** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

4 This Article shall not apply to:  
(a) a contract of carriage;  
(b) a contract for the supply of services where the services are to be supplied to the consumer exclusively in a country other than that in which he has his habitual residence.

**Commencement Information**

**I31** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

5 Notwithstanding the provisions of paragraph 4, this Article shall apply to a contract which, for an inclusive price, provides for a combination of travel and accommodation.

**Commencement Information**

**I32** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### *Individual employment contracts*

- 1 Notwithstanding the provisions of Article 3, in a contract of employment a choice of law made by the parties shall not have the result of depriving the employee of the protection afforded to him by the mandatory rules of the law which would be applicable under paragraph 2 in the absence of choice.

#### **Commencement Information**

**I33** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

- 2 Notwithstanding the provisions of Article 4, a contract of employment shall, in the absence of choice in accordance with Article 3, be governed:
- (a) by the law of the country in which the employee habitually carries out his work in performance of the contract, even if he is temporarily employed in another country; or
  - (b) if the employee does not habitually carry out his work in any one country, by the law of the country in which the place of business through which he was engaged is situated;
- unless it appears from the circumstances as a whole that the contract is more closely connected with another country, in which case the contract shall be governed by the law of that country.

#### **Commencement Information**

**I34** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

## *Article 7*

### *Mandatory rules*

F27<sub>1</sub> .....

#### **Textual Amendments**

**F27** Sch. 1 Art. 7(1) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

- 2 Nothing in this Convention shall restrict the application of the rules of the law of the forum in a situation where they are mandatory irrespective of the law otherwise applicable to the contract.

#### **Commencement Information**

**I35** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

## *Article 8*

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### *Material validity*

- 1 The existence and validity of a contract, or of any term of a contract, shall be determined by the law which would govern it under this Convention if the contract or term were valid.

#### **Commencement Information**

**I36** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 Nevertheless a party may rely upon the law of the country in which he has his habitual residence to establish that he did not consent if it appears from the circumstances that it would not be reasonable to determine the effect of his conduct in accordance with the law specified in the preceding paragraph.

#### **Commencement Information**

**I37** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I.1991/707, art. 2](#)

### *Article 9*

#### *Formal validity*

- 1 A contract concluded between persons who are in the same country is formally valid if it satisfies the formal requirements of the law which governs it under this Convention or of the law of the country where it is concluded.

#### **Commencement Information**

**I38** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 A contract concluded between persons who are in different countries is formally valid if it satisfies the formal requirements of the law which governs it under this Convention or of the law of one of those countries.

#### **Commencement Information**

**I39** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 3 Where a contract is concluded by an agent, the country in which the agent acts is the relevant country for the purposes of paragraphs 1 and 2.

#### **Commencement Information**

**I40** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 4 An act intended to have legal effect relating to an existing or contemplated contract is formally valid if it satisfies the formal requirements of the law which under this Convention governs or would govern the contract or of the law of the country where the act was done.

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

#### Commencement Information

**I41** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 5 The provisions of the preceding paragraphs shall not apply to a contract to which Article 5 applies, concluded in the circumstances described in paragraph 2 of Article 5. The formal validity of such a contract is governed by the law of the country in which the consumer has his habitual residence.

#### Commencement Information

**I42** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 6 Notwithstanding paragraphs 1 to 4 of this Article, a contract the subject matter of which is a right in immovable property or a right to use immovable property shall be subject to the mandatory requirements of form of the law of the country where the property is situated if by that law those requirements are imposed irrespective of the country where the contract is concluded and irrespective of the law governing the contract.

#### Commencement Information

**I43** Schedule 1 wholly in force 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

### Article 10

#### *Scope of the applicable law*

- 1 The law applicable to a contract by virtue of Articles 3 to 6 and 12 of this Convention shall govern in particular:
- (a) interpretation;
  - (b) performance;
  - (c) within the limits of the powers conferred on the court by its procedural law, the consequences of breach, including the assessment of damages in so far as it is governed by rules of law;
  - (d) the various ways of extinguishing obligations, and prescription and limitation of actions;
  - <sup>F28</sup>(e) .....

#### Textual Amendments

**F28** Sch. 1 Art. 10(1)(e) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, [3\(9\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I44** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

- 2 In relation to the manner of performance and the steps to be taken in the event of defective performance regard shall be had to the law of the country in which performance takes place.

**Commencement Information**

**I45** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

*Article 11*

*Incapacity*

In a contract concluded between persons who are in the same country, a natural person who would have capacity under the law of that country may invoke his incapacity resulting from another law only if the other party to the contract was aware of this incapacity at the time of the conclusion of the contract or was not aware thereof as a result of negligence.

**Commencement Information**

**I46** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

*Article 12*

*Voluntary assignment*

- 1 The mutual obligations of assignor and assignee under a voluntary assignment of a right against another person (“the debtor”) shall be governed by the law which under this Convention applies to the contract between the assignor and assignee.

**Commencement Information**

**I47** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 The law governing the right to which the assignment relates shall determine its assignability, the relationship between the assignee and the debtor, the conditions under which the assignment can be invoked against the debtor and any question whether the debtor’s obligations have been discharged.

**Commencement Information**

**I48** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

*Article 13*

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### *Subrogation*

- 1 Where a person (“the creditor”) has a contractual claim upon another (“the debtor”), and a third person has a duty to satisfy the creditor, or has in fact satisfied the creditor in discharge of that duty, the law which governs the third person’s duty to satisfy the creditor shall determine whether the third person is entitled to exercise against the debtor the rights which the creditor had against the debtor under the law governing their relationship and, if so, whether he may do so in full or only to a limited extent.

#### **Commencement Information**

**I49** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 The same rule applies where several persons are subject to the same contractual claim and one of them has satisfied the creditor.

#### **Commencement Information**

**I50** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

### *Article 14*

#### *Burden of proof, etc.*

- 1 The law governing the contract under this Convention applies to the extent that it contains, in the law of contract, rules which raise presumptions of law or determine the burden of proof.

#### **Commencement Information**

**I51** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

- 2 A contract or an act intended to have legal effect may be proved by any mode of proof recognised by the law of the forum or by any of the laws referred to in Article 9 under which that contract or act is formally valid, provided that such mode of proof can be administered by the forum.

#### **Commencement Information**

**I52** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707, art. 2](#)

### *Article 15*

#### *Exclusion of renvoi*

The application of the law of any country specified by this Convention means the application of the rules of law in force in that country other than its rules of private international law.



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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Commencement Information**

**I53** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

*Article 16*

*“Ordre public”*

**Commencement Information**

**I54** Schedule 1 wholly in force at 1. 4. 1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

The application of a rule of the law of any country specified by this Convention may be refused only if such application is manifestly incompatible with the public policy (“ordre public”) of the forum.

*Article 17*

*No retrospective effect*

**F29**  
...

**Textual Amendments**

**F29** Sch. 1 Art. 17 omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 18*

*Uniform interpretation*

In the interpretation and application of the preceding uniform rules, regard shall be had to their international character and to the desirability of achieving uniformity in their interpretation and application.

**Commencement Information**

**I55** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

*Article 19*

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### *States with more than one legal system*

- 1 Where a State comprises several territorial units each of which has its own rules of law in respect of contractual obligations, each territorial unit shall be considered as a country for the purposes of identifying the law applicable under this Convention.

#### **Commencement Information**

**I56** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

<sup>F30</sup>2 .....

#### **Textual Amendments**

**F30** Sch. 1 Art. 19(2) omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(g)**; 2020 c. 1, Sch. 5 para. 1(1)

### *Article 20*

#### *Precedence of [<sup>F31</sup>retained EU] law*

#### **Textual Amendments**

**F31** Words in Sch. 1 Art. 20 heading substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(h)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

This Convention shall not affect the application of provisions which, in relation to particular matters, lay down choice of law rules relating to contractual obligations and which are [<sup>F32</sup>contained in retained EU law].

#### **Textual Amendments**

**F32** Words in Sch. 1 Art. 20 substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(h)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### **Commencement Information**

**I57** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

### *Article 21*

#### *Relationship with other conventions*

This Convention shall not prejudice the application of international conventions to which [<sup>F33</sup>the United Kingdom] is, or becomes, a party.

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

#### Textual Amendments

**F33** Words in Sch. 1 Art. 21 substituted (31.12.2020) by [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I58** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

### Article 22

#### Reservations

F34  
...

#### Textual Amendments

**F34** Sch. 1 Arts. 22-33 and Protocol omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(9)(j)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE III

### FINAL PROVISIONS

#### Commencement Information

**I59** Schedule 1 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

### Article 23

F34  
...

### Article 24

F34  
...

### Article 25

F34  
...

### Article 26

F34  
...

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### Article 27

F35  
...

#### Textual Amendments

**F35** Sch. 1 Art. 27 deleted (1.12.1997) by virtue of [S.I. 1994/1900](#), [art.7](#); (convention in force in respect of U.K. on 1.12.1997; see London Gazette 22.10.1997).

### Article 28

F34  
...

### Article 29

F34  
...

### Article 30

F34  
...

### Article 31

F34  
...

### Article 32

F34  
...

### Article 33

F34  
...

## PROTOCOL

F34  
...

## SCHEDULE 2

Section 2.

### THE LUXEMBOURG CONVENTION

#### Commencement Information

**I60** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

F36  
...

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I61** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**Commencement Information**

**I62** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**Commencement Information**

**I63** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**Commencement Information**

**I64** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**F36** .....

**F36** .....

**Commencement Information**

**I65** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I65** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

**Commencement Information**

**I66** Schedule 2 wholly in force at 1.4.1991 see s. 7 and [S.I.1991/707](#), **art. 2**

SCHEDULE 3

THE BRUSSELS PROTOCOL

**Commencement Information**

**I67** Schedule 3 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

F36 ...

*Article 1*

F36 ...

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 2*

F36 ...

F36 .....

F36 .....

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 3*

F36 ...

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 4*

F36 ...

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 5*

F36 ...

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 6*

F36 ...

**Textual Amendments**

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

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### Article 7

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 8

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 9

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 10

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 11

F36  
...



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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## SCHEDULE 3A

Section 2

### THE FUNCHAL CONVENTION

F36 ...

### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 1

F36 ...

### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 2

F36 ...

### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 3

F36 ...

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

#### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 4

F36 ...

#### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 5

F36 ...

#### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 6

F36 ...

#### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### ARTICLE 7

F36 ...

#### Textual Amendments

- F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

## SCHEDULE 3B

Section 2

### THE 1996 ACCESSION CONVENTION

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE I

### GENERAL PROVISIONS

#### ARTICLE I

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE II

### ADJUSTMENTS TO THE PROTOCOL ANNEXED TO THE CONVENTION OF 1980

#### ARTICLE 2

F36  
...

#### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

### TITLE III

#### ADJUSTMENTS TO THE FIRST PROTOCOL OF 1988

##### ARTICLE 3

F36  
...

###### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### TITLE IV

#### FINAL PROVISIONS

##### ARTICLE 4

F36  
...

###### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

##### ARTICLE 5

F36  
...

###### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

##### ARTICLE 6

F36  
...

###### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/834), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

## ARTICLE 7

F36  
...

### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## ARTICLE 8

F36  
...

### Textual Amendments

**F36** Schs. 2-3B omitted (31.12.2020) by virtue of [The Law Applicable to Contractual Obligations and Non-Contractual Obligations \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/834\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## SCHEDULE 4

Section 5.

### CONSEQUENTIAL AMENDMENTS

### Commencement Information

**I68** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), **art. 2**

*[<sup>F37</sup> The Equal Pay Act 1970 (c.41)]*

### Textual Amendments

**F37** Sch. 4 para. 1 cross-heading repealed (E.W.S.) (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 2**) (see S.I. 2010/2317, art. 2)

*The Equal Pay Act (Northern Ireland) 1970 (c.32 (N.I.))*

1 In [<sup>F38</sup>Section 1(11) of the Equal Pay Act 1970 and] section 1(12) of the Equal Pay Act (Northern Ireland) 1970, for the words “proper law of” there shall be substituted the words “law applicable to”.

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

*Changes to legislation: There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)*

#### Textual Amendments

- F38** Words in Sch. 4 para. 1 repealed (E.W.S.) (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#)) (see S.I. 2010/2317, art. 2)

#### Commencement Information

- I69** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

#### *The Consumer Credit Act 1974 (c.39)*

- 2 In sections 43(2)(c) and 145(3)(c) and (4)(b) of the Consumer Credit Act 1974, for the words “proper law of”, in each place where they occur, there shall be substituted the words “law applicable to”.

#### Commencement Information

- I70** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

#### *The Patents Act 1977 (c.37)*

- 3 In section 82(5) and (6) of the Patents Act 1977, for the words “proper law of” there shall be substituted the words “law applicable to”.

#### Commencement Information

- I71** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

#### *The Unfair Contract Terms Act 1977 (c.50)*

- 4 In section 27(1) of the Unfair Contract Terms Act 1977, for the words “proper law of” there shall be substituted the words “law applicable to” and for the words “of the proper law” there shall be substituted the words “of the law applicable to the contract”.

#### Commencement Information

- I72** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

#### *The Aviation Security Act 1982 (c.36)*

- 5 In section 19(5) of the aviation security act 1982, for the words “of which the proper law” there shall be substituted the words “the law applicable to which”.

#### Commencement Information

- I73** Schedule 4 wholly in force at 1.4.1991 see s. 7 and [S.I. 1991/707](#), [art. 2](#)

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

*Changes to legislation:* There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990. (See end of Document for details)

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*The Income and Corporation Taxes Act 1988 (c.1)*

F39 6 .....

**Textual Amendments**

**F39** Sch. 4 para. 6 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 1** (with Sch. 2)

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Contracts (Applicable Law) Act 1990.