



# Contracts (Applicable Law) Act 1990

## 1990 CHAPTER 36

### [<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

- 11** 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.]

<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)

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

- 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) .....

#### 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)

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

- 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> **4 Revision of Conventions etc.**

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#### 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 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\(4\)\(a\)](#))

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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)*

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**[<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.

**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.

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

#### 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**

**Changes to legislation:**

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