



# Contracts (Applicable Law) Act 1990

## CHAPTER 36

### CONTRACTS (APPLICABLE LAW) ACT 1990

- 1 Meaning of “the Rome Convention”
- 2 Application of the Rome Convention
- 3 Interpretation of the Rome Convention.
- 4 Revision of Conventions etc.
- 4A Disapplication where the rules in the Rome I Regulations apply:  
England and Wales and Northern Ireland
- 4B Disapplication where the rules in the Rome I Regulation apply: Scotland
- 5 Consequential amendments.
- 6 Application to Crown.
- 7 Commencement.
- 8 Extent.
- 9 Short title.

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#### SCHEDULES

- SCHEDULE 1 — The Rome Convention  
Title I — SCOPE OF THE CONVENTION

##### *Article 1*

##### *Scope of the Convention*

- 1 The rules of this Convention shall apply to contractual obligations...
- 2 They shall not apply to: (a) questions involving the status...
- 3 The rules of this Convention do not apply to contracts...
- 4 The preceding paragraph does not apply to contracts of re-insurance....

*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 2*

### *Application of law of a country outside of the United Kingdom*

#### Title II — UNIFORM RULES

## *Article 3*

### *Freedom of choice*

- 1 A contract shall be governed by the law chosen by...
- 2 The parties may at any time agree to subject the...
- 3 The fact that the parties have chosen a foreign law,...
- 4 The existence and validity of the consent of the parties...

## *Article 4*

### *Applicable law in the absence of choice*

- 1 To the extent that the law applicable to the contract...
- 2 Subject to the provisions of paragraph 5 of this Article,...
- 3 Notwithstanding the provisions of paragraph 2 of this Article, to...
- 4 A contract for the carriage of goods shall not be...
- 5 Paragraph 2 shall not apply if the characteristic performance cannot...

## *Article 5*

### *Certain consumer contracts*

- 1 This Article applies to a contract the object of which...
- 2 Notwithstanding the provisions of Article 3, a choice of law...
- 3 Notwithstanding the provisions of Article 4, a contract to which...
- 4 This Article shall not apply to: (a) a contract of...
- 5 Notwithstanding the provisions of paragraph 4, this Article shall apply...

## *Article 6*

### *Individual employment contracts*

- 1 Notwithstanding the provisions of Article 3, in a contract of...
- 2 Notwithstanding the provisions of Article 4, a contract of employment...

## *Article 7*

### *Mandatory rules*

- 1 When applying under this Convention the law of a country,...
- 2 Nothing in this Convention shall restrict the application of the...

## *Article 8*

### *Material validity*

- 1 The existence and validity of a contract, or of any...
- 2 Nevertheless a party may rely upon the law of the...

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## *Article 9*

### *Formal validity*

- 1 A contract concluded between persons who are in the same...
- 2 A contract concluded between persons who are in different countries...
- 3 Where a contract is concluded by an agent, the country...
- 4 An act intended to have legal effect relating to an...
- 5 The provisions of the preceding paragraphs shall not apply to...
- 6 Notwithstanding paragraphs 1 to 4 of this Article, a contract...

## *Article 10*

### *Scope of the applicable law*

- 1 The law applicable to a contract by virtue of Articles...
- 2 In relation to the manner of performance and the steps...

## *Article 11*

### *Incapacity*

## *Article 12*

### *Voluntary assignment*

- 1 The mutual obligations of assignor and assignee under a voluntary...
- 2 The law governing the right to which the assignment relates...

## *Article 13*

### *Subrogation*

- 1 Where a person (“the creditor”) has a contractual claim upon...
- 2 The same rule applies where several persons are subject to...

## *Article 14*

### *Burden of proof, etc.*

- 1 The law governing the contract under this Convention applies to...
- 2 A contract or an act intended to have legal effect...

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*Article 15*

*Exclusion of renvoi*

*Article 16*

*“Ordre public”*

*Article 17*

*No retrospective effect*

*Article 18*

*Uniform interpretation*

*Article 19*

*States with more than one legal system*

- 1 Where a State comprises several territorial units each of which...
- 2 A State within which different territorial units have their own...

*Article 20*

*Precedence of assimilated law*

*Article 21*

*Relationship with other conventions*

*Article 22*

*Reservations*

Title III — FINAL PROVISIONS

**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 23*

*Article 24*

*Article 25*

*Article 26*

*Article 27*

*Article 28*

*Article 29*

*Article 30*

*Article 31*

*Article 32*

*Article 33*

*PROTOCOL*

SCHEDULE 2 — The Luxembourg Convention

The Secretary-General of the Council of the European Communities shall...

SCHEDULE 3 — The Brussels Protocol

*Article 1*

...

*Article 2*

Any of the courts referred to below may request the...

*Article 3*

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*Article 4*

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*Article 5*

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*Article 6*

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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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*Article 7*

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*Article 8*

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*Article 9*

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*Article 10*

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*Article 11*

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SCHEDULE 3A — THE FUNCHAL CONVENTION

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Article 1

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Article 2

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Article 3

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Article 4

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Article 5

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Article 6

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Article 7

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SCHEDULE 3B — THE 1996 ACCESSION CONVENTION

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TITLE I — GENERAL PROVISIONS

*ARTICLE 1*

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TITLE II

— ADJUSTMENTS TO THE PROTOCOL ANNEXED TO THE CONVENTION OF 1980

*ARTICLE 2*

...

TITLE III — ADJUSTMENTS TO THE FIRST PROTOCOL OF 1988

*ARTICLE 3*

...

TITLE IV — FINAL PROVISIONS

**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 4*

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*ARTICLE 5*

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*ARTICLE 6*

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*ARTICLE 7*

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*ARTICLE 8*

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SCHEDULE 4 — Consequential Amendments

*The Equal Pay Act 1970 (c.41)*

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

- 1 In Section 1(11) of the Equal Pay Act 1970 and...

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

- 2 In sections 43(2)(c) and 145(3)(c) and (4)(b) of the Consumer...

*The Patents Act 1977 (c.37)*

- 3 In section 82(5) and (6) of the Patents Act 1977,...

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

- 4 In section 27(1) of the Unfair Contract Terms Act 1977,...

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

- 5 In section 19(5) of the aviation security act 1982, for...

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

- 6 In section 347b(1)(a) of the Income and Corporation Taxes Act...

**Changes to legislation:**

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