



# Contracts (Applicable Law) Act 1990

## CHAPTER 36

### CONTRACTS (APPLICABLE LAW) ACT 1990

- 1 Meaning of “the Conventions”
- 2 Conventions to have force of law
- 3 Interpretation of Conventions
- 4 Revision of Conventions etc
- 5 Consequential amendments
- 6 Application to Crown
- 7 Commencement
- 8 Extent
- 9 Short title

---

#### 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....

## Article 2

### *Application of law of non-contracting States*

#### 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...

## 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...

## 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 Community law*

## Article 21

*Relationship with other conventions*

## Article 22

*Reservations*

- 1 Any Contracting State may, at the time of signature, ratification,...
- 2 Any Contracting State may also, when notifying an extension of...
- 3 Any Contracting State may at any time withdraw a reservation...

## Title III — FINAL PROVISIONS

*Article 23*

- 1 If, after the date on which this Convention has entered...
- 2 Any signatory State may, within six months from the date...
- 3 If no signatory State has requested consultations within this period...

*Article 24*

- 1 If, after the date on which this Convention has entered...
- 2 The procedure referred to in the preceding paragraph need not...

*Article 25*

*Article 26*

*Article 27*

- 1 This Convention shall apply to the European territories of the...
- 2 Notwithstanding paragraph 1: (a) this Convention shall not apply to...
- 3 Such declarations may be made at any time by notifying...
- 4 Proceedings brought in the United Kingdom on appeal from courts...

*Article 28*

- 1 This Convention shall be open from 19 June 1980 for...
- 2 This Convention shall be subject to ratification, acceptance or approval...

*Article 29*

- 1 This Convention shall enter into force on the first day...
- 2 This Convention shall enter into force for each signatory State...

*Article 30*

- 1 This Convention shall remain in force for 10 years from...
- 2 If there has been no denunciation it shall be renewed...
- 3 A Contracting State which wishes to denounce shall, not less...
- 4 The denunciation shall have effect only in relation to the...

*Article 31*

*Article 32*

*Article 33*

SCHEDULE 2 — The Luxembourg Convention

*Article 1*

*Article 2*

*Article 3*

*Article 4*

*Article 5*

*Article 6*

SCHEDULE 3 — The Brussels Protocol

*Article 1**Article 2**Article 3*

- 1 The competent authority of a Contracting State may request the...
- 2 The interpretation given by the Court of Justice in response...
- 3 The Procurators-General of the Supreme Courts of Appeal of the...
- 4 The Registrar of the Court of Justice shall give notice...
- 5 No fees shall be levied or any costs or expenses...

*Article 4*

- 1 Except where this Protocol otherwise provides, the provisions of the...
- 2 The Rules of Procedure of the Court of Justice shall,...

*Article 5**Article 6*

- 1 To enter into force, this Protocol must be ratified by...
- 2 Any ratification subsequent to the entry into force of this...

*Article 7**Article 8**Article 9**Article 10**Article 11*

## 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...