

Changes to legislation: Civil Jurisdiction and Judgments Act 1991, SCHEDULE 2 is up to date with all changes known to be in force on or before 31 March 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. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 3.

OTHER AMENDMENTS OF THE 1982 ACT

- 1 The words “Brussels Conventions” shall be substituted for the word “Conventions” wherever occurring in section 2 (the Conventions to have the force of law) and section 3 (interpretation of the Conventions).

Annotations:

Commencement Information

- I1** Act wholly in force at 1.5.1992 see [s. 5\(3\)](#) and [S.I. 1992/745, art. 2](#)

- 2 In section 4(1) (enforcement of judgments other than maintenance orders) and section 5(1) (recognition and enforcement of maintenance orders) after the words “an application under Article 31” there shall be inserted the words “ of the 1968 Convention or of the Lugano Convention ”.

Annotations:

Commencement Information

- I2** Act wholly in force at 1.5.1992 see [s. 5\(3\)](#) and [S.I. 1992/745, art. 2](#)

- 3 In section 6 (appeals under Article 37, second paragraph and Article 41)—
- (a) in subsection (1), after the words “referred to” there shall be inserted the words “ in the 1968 Convention and the Lugano Convention ”; and
 - (b) in subsection (3), after the words “referred to” there shall be inserted the words “ in each of those Conventions ”.

Annotations:

Commencement Information

- I3** Act wholly in force at 1.5.1992 see [s. 5\(3\)](#) and [S.I. 1992/745, art. 2](#)

- 4 In section 9 (provisions supplementary to Title VII of the 1968 Convention) in subsection (1)—
- (a) after the words “Title VII of the 1968 Convention” there shall be inserted the words “ and, apart from Article 54B, of Title VII of the Lugano Convention ”; and
 - (b) for the words “that convention” there shall be substituted the words “ the Convention in question ”.

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Annotations:

Commencement Information

I4 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 5 In section 10 (allocation within UK of jurisdiction in proceedings with respect to trusts and consumer contracts in respect of which the 1968 Convention confers jurisdiction on UK courts generally) in subsection (1), after the words “the 1968 Convention” there shall be inserted the words “ or the Lugano Convention ”.

Annotations:

Commencement Information

I5 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 6 In section 11 (proof and admissibility of certain judgments and related documents for the purposes of the 1968 Convention) in subsection (1), after the words “For the purposes of the 1968 Convention” there shall be inserted the words “ and the Lugano Convention ”.

Annotations:

Commencement Information

I6 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 7 In section 12 (provision for issue of copies of, and certificates in connection with, UK judgments for purposes of the 1968 Convention) after the words “the 1968 Convention” there shall be inserted the words “ or the Lugano Convention ”.

Annotations:

Commencement Information

I7 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 8 In section 13 (modifications to cover authentic instruments and court settlements) in subsection (1)—
- (a) after the words “the 1968 Convention” in paragraph (a) there shall be inserted the words “ or the Lugano Convention ”;
 - (b) after the words “Title IV of the 1968 Convention” there shall be inserted the words “ or, as the case may be, Title IV of the Lugano Convention ”; and
 - (c) for the words “that Convention” there shall be substituted the words “ the Convention in question ”.

Annotations:

Commencement Information

I8 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 9 In section 14 (modifications consequential on revision of the Conventions)—

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- (a) for the words “any of the Conventions”, wherever occurring in subsections (1) and (3), there shall be substituted the words “ the Lugano Convention or any of the Brussels Conventions ”; and
- (b) in subsection (1), after the words “any revision connected with the accession to” there shall be inserted the words “ the Lugano Convention or ”.

Annotations:

Commencement Information

I9 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

10 In section 15 (interpretation of Part I)—

- (a) in subsection (1), in the definition of “maintenance order”, after the words “maintenance judgment within the meaning of the 1968 Convention” there shall be inserted the words “ or, as the case may be, the Lugano Convention ”; and
- (b) in subsection (3), after the words “authorised or required by the 1968 Convention” there shall be inserted the words “ the Lugano Convention ”.

Annotations:

Commencement Information

I10 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

11 In section 16 (allocation within UK of jurisdiction in certain civil proceedings)—

- (a) in paragraph (a) of subsection (1), for the words “the Convention” there shall be substituted the words “ that or any other Convention ”;
- (b) in paragraph (b) of that subsection, after the words “Article 16” there shall be inserted the words “ of the 1968 Convention ”; and
- (c) in subsection (4), after the words “subject to the 1968 Convention” there shall be inserted the words “ and the Lugano Convention ”.

Annotations:

Commencement Information

I11 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

12 The words “ Brussels or Lugano Contracting State ” shall be substituted for the words “Contracting State” wherever occurring in each of the following provisions, that is to say—

- (a) in subsections (1)(a) and (3)(a) of section 25 (interim relief in England and Wales or Northern Ireland in the absence of substantive proceedings);
- (b) in subsections (2)(a) and (3)(a) and (d) of section 27 (which makes for Scotland similar provision to that made by section 25 for England and Wales); and
- (c) in section 28 (application of section 1 of the ^{M1}Administration of Justice (Scotland) Act 1972);

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and, in section 25(1)(b), for the words “the Convention” there shall be substituted the words “ that or any other Convention ”.

Annotations:

Commencement Information

I12 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

Marginal Citations

M1 1972 c. 59.

- 13 In section 30 (proceedings in England and Wales or Northern Ireland for torts to immovable property) in subsection (2), after the words “subject to the 1968 Convention” there shall be inserted the words “ and the Lugano Convention ”.

Annotations:

Commencement Information

I13 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 14 In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes) in subsection (4) (saving for judgments required to be recognised or enforced in UK under the 1968 Convention etc) in paragraph (a), after the words “under the 1968 Convention” there shall be inserted the words “ or the Lugano Convention ”.

Annotations:

Commencement Information

I14 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 15 In section 33 (certain steps not to amount to submission to the jurisdiction of an overseas court) in subsection (2) (saving for judgments required to be recognised or enforced in England and Wales or Northern Ireland under the 1968 Convention) after the words “under the 1968 Convention” there shall be inserted the words “ or the Lugano Convention ”.

Annotations:

Commencement Information

I15 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 16 In section 41 (determination of domicile of individuals for the purposes of the 1968 Convention etc) in subsection (1), after the words “for the purposes of the 1968 Convention” there shall be inserted the words “ the Lugano Convention ”.

Annotations:

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I16 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

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- 17 In section 42 (domicile and seat of corporation or association) in subsection (2)(a), after the words “for the purposes of the 1968 Convention” there shall be inserted the words “ or, as the case may be, the Lugano Convention ”.

Annotations:

Commencement Information

I17 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 18 In section 43 (seat of corporation or association for purposes of Article 16(2) and related provisions) in subsection (1)(a), after the words “Article 16(2)” there shall be inserted the words “ of the 1968 Convention or of the Lugano Convention ”.

Annotations:

Commencement Information

I18 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 19 (1) In section 44 (persons deemed to be domiciled in UK for certain purposes) in subsection (1)—
- (a) in paragraph (a) (which provides that the section applies to proceedings within Section 3 of Title II of the 1968 Convention) after the words “the 1968 Convention” there shall be inserted the words “ or Section 3 of Title II of the Lugano Convention ”; and
 - (b) in paragraph (b) (proceedings within Section 2 of that Title) for the words “that Title” there shall be substituted the words “ Title II of either of those Conventions ”.
- (2) In subsection (2) of that section, after the words “is deemed for the purposes of the 1968 Convention” there shall be inserted the words “ or, as the case may be, of the Lugano Convention ”.

Annotations:

Commencement Information

I19 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 20 In section 45 (domicile of trusts) in subsection (1), after the words “for the purposes of the 1968 Convention” there shall be inserted the words “ the Lugano Convention ”.

Annotations:

Commencement Information

I20 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 21 (1) In section 46 (domicile and seat of the Crown) in subsection (2)(a), after the words “for the purposes of the 1968 Convention” there shall be inserted the words “and the Lugano Convention” and for the words “(in which” there shall be substituted the words “ (in each of which ”.

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- (2) In subsection (4) of that section (Order in Council with respect to seat of the Crown) after the words “for the purposes of the 1968 Convention” there shall be inserted the words “ the Lugano Convention ”.

Annotations:

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I21 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 22 In section 47 (modifications occasioned by decisions of the European Court as to meaning or effect of the Conventions) for the word “Conventions”, wherever occurring, there shall be substituted the words “ Brussels Conventions ”.

Annotations:

Commencement Information

I22 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 23 In section 48 (matters for which rules of court may provide)—
- (a) in subsection (1), for the words “or the Conventions” there shall be substituted the words “ the Lugano Convention or the Brussels Conventions ”; and
 - (b) in subsection (3), for the words “the Conventions” there shall be substituted the words “ the Lugano Convention, the Brussels Conventions ”.

Annotations:

Commencement Information

I23 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 24 In section 49 (saving for powers to stay, sist, strike out or dismiss proceedings where to do so is not inconsistent with the 1968 Convention) after the words “the 1968 Convention” there shall be inserted the words “ or, as the case may be, the Lugano Convention ”.

Annotations:

Commencement Information

I24 Act wholly in force at 1.5.1992 see s. 5(3) and S.I. 1992/745, art. 2

- 25 In section 50 (general interpretation) the following definitions shall be inserted at the appropriate places—
- ““Brussels Contracting State” has the meaning given by section 1(3);”
 - ““the Brussels Conventions” has the meaning given by section 1(1);”
 - ““Lugano Contracting State” has the meaning given by section 1(3);”
 - ““the Lugano Convention” has the meaning given by section 1(1);”
- and the entry relating to “the Conventions” is hereby repealed.

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Commencement Orders yet to be applied to the Civil Jurisdiction and Judgments Act 1991

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/1255 art. 2](#) commences (2009 c. 21)