



Civil Jurisdiction and Judgments Act 1991

1991 CHAPTER 12

1 Implementation and interpretation of the Lugano Convention

- (1) The Civil Jurisdiction and Judgments Act 1982 (in this Act referred to as “the 1982 Act”) shall have effect with the insertion of the following after section 3—

“3A The Lugano Convention to have the force of law

- (1) The Lugano Convention shall have the force of law in the United Kingdom, and judicial notice shall be taken of it.
- (2) For convenience of reference there is set out in Schedule 3C the English text of the Lugano Convention.

3B Interpretation of the Lugano Convention

- (1) In determining any question as to the meaning or effect of a provision of the Lugano Convention, a court in the United Kingdom shall, in accordance with Protocol No. 2 to that Convention, take account of any principles laid down in any relevant decision delivered by a court of any other Lugano Contracting State concerning provisions of the Convention.
- (2) Without prejudice to any practice of the courts as to the matters which may be considered apart from this section, the report on the Lugano Convention by Mr. P. Jenard and Mr. G. Möller (which is reproduced in the Official Journal of the Communities of 28th July 1990) may be considered in ascertaining the meaning or effect of any provision of the Convention and shall be given such weight as is appropriate in the circumstances.”
- (2) In section 9 of that Act, after subsection (1) (which, as amended, will govern the relationship between other conventions and the 1968 and Lugano Conventions) there shall be inserted—

“(1A) Any question arising as to whether it is the Lugano Convention or any of the Brussels Conventions which applies in the circumstances of a particular case

Status: This is the original version (as it was originally enacted).

falls to be determined in accordance with the provisions of Article 54B of the Lugano Convention.”

- (3) After Schedule 3B to that Act there shall be inserted the Schedule 3C set out in Schedule 1 to this Act.