

SCHEDULE 2

AMENDMENTS TO THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982

PART IV—

MISCELLANEOUS PROVISIONS

9. In section 24 (interim relief and protective measures in cases of doubtful jurisdiction)—

(a) at the end of subsection (1)(b) insert—

“; or

(c) the proceedings involve a reference of any matter relating to the Regulation to the European Court under Article 68 of the Treaty establishing the European Community”;

and

(b) at the end of subsection (2)(b) insert—

“; or

(c) the proceedings involve a reference of any matter relating to the Regulation to the European Court under Article 68 of the Treaty establishing the European Community”.

10. In section 25 (interim relief in England and Wales and Northern Ireland in the absence of substantive proceedings)—

(a) in subsection (1)—

(i) in paragraph (a), after “State” insert “ or a Regulation State ”; and

(ii) for paragraph (b), substitute—

“(b) they are or will be proceedings whose subject-matter is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation has effect in relation to the proceedings).”;

and

(b) in subsection (3)—

(i) in paragraph (a), after “State” insert “ or Regulation State ”; and

(ii) for paragraph (b), substitute—

“(b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation.”.

11. In section 27 (provisional and protective measures in Scotland in the absence of substantive proceedings)—

(a) in subsection (2)(a), after “State” insert “ , in another Regulation State ”;

(b) for subsection (2)(b) substitute—

“(b) the subject-matter of the proceedings is within the scope of the Regulation as determined by Article 1 of the Regulation; and”;

and

(c) in subsection (3)—

(i) in paragraph (a), after “State” insert “ or Regulation State ”;

(ii) for paragraph (b) substitute—

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments Order 2001, PART IV—. (See end of Document for details)

“(b) proceedings whose subject-matter is not within the scope of the Regulation as determined by Article 1 of the Regulation;”;

and

(iii) in paragraph (d), after “State” insert “ or Regulation State ”.

12. In section 28 (application of s.1 of Administration of Justice (Scotland) Act 1972)—

(a) after “State” insert “ , in a Regulation State ”; and

(b) for “1968 Convention” substitute “ Regulation ”.

13. In section 30 (proceedings in England and Wales or Northern Ireland for torts to immovable property), in subsection (2) after “the Lugano Convention” insert “ and the Regulation ”.

14. In section 32 (overseas judgments given in proceedings brought in breach of agreement for settlement of disputes), in subsection (4)(a) after “or the Lugano Convention” insert “ or the Regulation ”.

15. In section 33 (certain steps not to amount to submission to jurisdiction of overseas court), at the end of subsection (2) add “or the Regulation”.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments Order 2001, PART IV—.