
STATUTORY INSTRUMENTS

2007 No. 1655

JUDGMENTS

The Civil Jurisdiction and Judgments Regulations 2007

<i>Made</i>	- - - -	<i>8th June 2007</i>
<i>Laid before Parliament</i>		<i>8th June 2007</i>
<i>Coming into force</i>	- -	<i>1st July 2007</i>

The Lord Chancellor has been designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to jurisdiction and the recognition and enforcement of judgments(2).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Lord Chancellor that it is expedient for the reference to Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be construed as a reference to that instrument as amended from time to time.

The Lord Chancellor makes these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(3).

Citation and commencement

1. These Regulations may be cited as the Civil Jurisdiction and Judgments Regulations 2007, and shall come into force on 1st July 2007.

Amendments to the Civil Jurisdiction and Judgments Act 1982

2.—(1) The Civil Jurisdiction and Judgments Act 1982(4) is amended in accordance with this regulation.

(2) In section 1(1), for the definition of “the Regulation” substitute—

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- (1) 1972 c.68. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in relation to devolved matters, the function of the Lord Chancellor in relation to implementing those obligations continues to be exercisable by him as regards Scotland.
- (2) The European Communities (Designation) (No.2) Order 2007 (S.I. 2007/1349).
- (3) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51).
- (4) 1982 c.27. There are relevant amendments in S.I. 1989/1346, S.I. 1990/2591, S.I. 2000/1824 and S.I. 2001/3929, and in the Civil Jurisdiction and Judgments Act 1991 (1991 c.12).

““the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJNo. L 299 16.11.2005 at p62).”.

(3) In section 1(3)—

(a) for the definition of “Brussels Contracting State” substitute—

““Brussels Contracting State” means a state which is one of the original parties to the 1968 Convention or one of the parties acceding to that Convention under the Accession Convention, or under the 1982 Accession Convention, or under the 1989 Accession Convention, but only with respect to any territory—

(a) to which the Brussels Conventions apply; and

(b) which is excluded from the scope of the Regulation pursuant to Article 299 of the Treaty establishing the European Community;”;

(b) for the definition of “Regulation State” substitute—

““Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State.”.

Amendments to the Civil Jurisdiction and Judgments Order 2001

3.—(1) The Civil Jurisdiction and Judgments Order 2001(5) is amended in accordance with this regulation.

(2) In article 2(1)—

(a) after the definition of “the Act” insert—

““the 2005 Agreement” means the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(6);”;

(b) for the definition of “the Regulation” substitute—

““the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the 2005 Agreement;”;

(c) for the definition of “Regulation State” substitute—

““Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State.”.

(3) After article 3, insert—

“The 2005 Agreement

3A. The Regulation shall have effect as regards Denmark in accordance with the 2005 Agreement.”.

(5) S.I. 2001/3929.

(6) OJ No. L 299 16.11.2005 at p62.

Amendments to the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001

4.—(1) The Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001(7) is amended in accordance with this regulation.

(2) In article 1(2)—

(a) for the definition of “the Regulation” substitute—

““the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(8);”;

(b) for the definition of “Regulation State” substitute—

““Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State;”.

Consequential Amendments

5. The Schedule to these Regulations (which makes consequential provisions) shall have effect.

Signed by authority of the Lord Chancellor

8th June 2007

Catherine Ashton
Parliamentary Under Secretary of State
Ministry of Justice

(7) S.I. 2001/3928.

(8) OJ No. L 299 16.11.2005 at p62.

SCHEDULE

Regulation 5

Consequential Amendments

PART 1

Primary legislation

The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 (c.24)

1.—(1) Section 1 of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947⁽⁹⁾ (deduction from pay in respect of liabilities for maintenance, etc) is amended in accordance with this paragraph.

(2) In subsection (2A)(b), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Army Act 1955 (c.18)

2.—(1) Section 150 of the Army Act 1955⁽¹⁰⁾ (enforcement of maintenance and affiliation orders by deduction from pay) is amended in accordance with this paragraph.

(2) In subsection (5), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62);”.

The Air Force Act 1955 (c.19)

3.—(1) Section 150 of the Air Force Act 1955⁽¹¹⁾ (enforcement of maintenance and affiliation orders by deduction from pay) is amended in accordance with this paragraph.

(2) In subsection (5), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Naval Discipline Act 1957 (c.53)

4.—(1) Section 101 of the Naval Discipline Act 1957⁽¹²⁾ (service of proceedings for maintenance, etc) is amended in accordance with this paragraph.

(2) In subsection (5), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

(9) 1947 c.24.

(10) 1955 c.18.

(11) 1955 c.19.

(12) 1957 c.53.

The Maintenance Orders Act 1958 (c.39)

5.—(1) Section 1 of the Maintenance Orders Act 1958(13) (application of Part I) is amended in accordance with this paragraph.

(2) In subsection (4), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Administration of Justice Act 1970 (c.31)

6.—(1) Schedule 8 to the Administration of Justice Act 1970(14) (which lists maintenance orders for the purposes of the 1958 Act and Part II of the 1970 Act) is amended in accordance with this paragraph.

(2) In paragraph 13A, after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Attachment of Earnings Act 1971 (c.32)

7.—(1) Schedule 1 to the Attachment of Earnings Act 1971(15) (which lists maintenance orders to which that Act applies) is amended in accordance with this paragraph.

(2) In paragraph 14, after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Magistrates’ Courts Act 1980 (c.43)

8. The Magistrates’ Courts Act 1980(16) is amended as follows.

9. In section 65 (meaning of family proceedings), in subsection (1)(r), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

10. In section 95 (remission of arrears and manner in which arrears to be paid), in subsection (7), in the definition of “non-English maintenance order”, in paragraph (a)(v), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

(13) 1958 c.39.

(14) 1970 c.31.

(15) 1971 c.32.

(16) 1980 c.43.

The Merchant Shipping (Liner Conferences) Act 1982 (c.37)

11.—(1) Section 5 of the Merchant Shipping (Liner Conferences) Act 1982⁽¹⁷⁾ (liability of members of conference to be in proportion to their responsibility) is amended in accordance with this paragraph.

(2) In subsection (6), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Matrimonial and Family Proceedings Act 1984 (c.42)

12. The Matrimonial and Family Proceedings Act 1984⁽¹⁸⁾ is amended as follows.

13. In section 15 (jurisdiction of the court), in subsection (2), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

14. In section 28 (circumstances in which a Scottish court may entertain application for financial provision), in subsection (4), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Companies Act 1989 (c.40)

15.—(1) Section 183 of the Companies Act 1989⁽¹⁹⁾ (insolvency proceedings in other jurisdictions) is amended in accordance with this paragraph.

(2) In subsection (3), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Social Security Administration Act 1992 (c.5)

16.—(1) Section 108 of the Social Security Administration Act 1992⁽²⁰⁾ (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Secretary of State) is amended in accordance with this paragraph.

(2) In subsection (4)(a)(iv), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Social Security Administration (Northern Ireland) Act 1992 (c.8)

17.—(1) Section 103 of the Social Security Administration (Northern Ireland) Act 1992⁽²¹⁾ (reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department) is amended in accordance with this paragraph.

(17) 1982 c.37.

(18) 1984 c.42.

(19) 1989 c.40.

(20) 1992 c.5.

(21) 1992 c.8.

(2) In subsection (4)(a)(iv), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

The Civil Partnership Act 2004 (c.33)

18.—(1) Part 2 of Schedule 11 to the Civil Partnership Act 2004(22) (circumstances in which the court may entertain an application for financial provision) is amended in accordance with this paragraph.

(2) In paragraph 2(4), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)

19.—(1) Section 56 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(23) (recognition of EU financial penalties) is amended in accordance with this paragraph.

(2) In subsection (4)(b)(ii), for “Council Regulation (EC) No 44/2001 of 22 December 2000 (as amended) on jurisdiction and the recognition of judgements in civil and commercial matters” substitute “Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No. L 299 16.11.2005 at p62)”.

PART 2

Secondary legislation

The Legal Aid (General) Regulations (Northern Ireland) 1965 (S.R. 1965 No. 217)

20.—(1) The Legal Aid (General) Regulations (Northern Ireland) 1965(24) are amended in accordance with this paragraph.

21. In regulation 3B(1) (registration of certain foreign orders and judgments)(25), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(26)”.

The Magistrates’ Courts (Northern Ireland) Order 1981 (No. 1675 (N.I. 26))

22. The Magistrates’ Courts (Northern Ireland) Order 1981(27) is amended as follows.

23. In article 87 (remission of arrears and manner in which arrears to be paid), in paragraph (7), in the definition of “non-Northern Ireland maintenance order”, in subparagraph (a)(v), after “civil

(22) 2004 c.33.

(23) 2007 asp 6.

(24) S.R. 1965 No. 217.

(25) There are relevant amendments in S.R. 1986 No. 346 and S.I. 2001/3929.

(26) OJ No. L 299 16.11.2005 at p62.

(27) 1981 No. 1675 (N.I. 26).

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

and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(28)”.

24. In article 88 (definition of domestic proceedings for the purposes of that Order), in subparagraph (a), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(29)”.

25. In article 98 (enforcement of orders for periodical payment of money), in paragraph (11)(b), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(30)”.

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (No. 677 (N.I. 4))

26.—(1) Article 19 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(31) (jurisdiction of the court) is amended in accordance with this paragraph.

(2) In paragraph (2), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(32)”.

The Companies (No.2) (Northern Ireland) Order 1990 (No. 1504 (N.I. 10))

27.—(1) The Companies (No.2) (Northern Ireland) Order 1990(33) is amended in accordance with this paragraph.

(2) In Article 104 (insolvency proceedings in other jurisdictions), in paragraph (3), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(34)”.

The Civil Procedure Rules 1998 (SI 1998/3132)

28. The Civil Procedure Rules 1998(35) are amended as follows.

29. In rule 6.18 (definitions)—

(a) in subparagraph (j), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(36)”; and

(b) in subparagraph (k), for the definition of “Regulation State”, substitute—

““Regulation State” means a Member State.”.

(28) OJ No. L 299 16.11.2005 at p62.

(29) OJ No. L 299 16.11.2005 at p62.

(30) OJ No. L 299 16.11.2005 at p62.

(31) 1989 No. 677 (N.I. 4).

(32) OJ No. L 299 16.11.2005 at p62.

(33) 1999 No.1504 (N.I. 10).

(34) OJ No. L 299 16.11.2005 at p62.

(35) S.I. 1998/3132. There are relevant amendments in S.I. 2001/4015.

(36) OJ No. L 299 16.11.2005 at p62.

30. In rule 12.11 (supplementary provisions where applications for default judgment are made), in paragraph (6)—

- (a) in subparagraph (e) after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(37)”; and
- (b) in subparagraph (f), for the definition of “Regulation State”, substitute—
““Regulation State” means a Member State.”.

31. In Part 74 (Enforcement of judgments in different jurisdictions)—

- (a) in rule 74.1 (scope of this Part and interpretation), in paragraph (5)(d), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(38)”; and
- (b) in rule 74.2 (interpretation), in paragraph (1)(b), for the definition of “Regulation State”, substitute—
““Regulation State” means a Member State;”.

The Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979)

32.—(1) The Financial Markets and Insolvency (Settlement Finality) Regulations 1999(39) are amended in accordance with this paragraph.

(2) In regulation 25 (insolvency proceedings in other jurisdictions), in paragraph (3), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(40)”.

The Community Legal Service (Financial) Regulations 2000 (S.I. 2000/516)

33. The Community Legal Service (Financial) Regulations 2000(41) are amended as follows.

34. In regulation 3 (financial eligibility), in paragraph (1)(g)(iii), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(42)”.

35. In regulation 5D (waiver of eligibility limit and contributions in cross-border disputes)—

- (a) omit the definition of “Member State”; and
- (b) in paragraph (4), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(43)”.

(37) OJ No. L 299 16.11.2005 at p62.

(38) OJ No. L 299 16.11.2005 at p62.

(39) S.I. 1999/2979.

(40) OJ No. L 299 16.11.2005 at p62.

(41) S.I. 2000/516. There are relevant amendments in S.I. 2001/3929 and S.I. 2004/2899.

(42) OJ No. L 299 16.11.2005 at p62.

(43) OJ No. L 299 16.11.2005 at p62.

Employment Tribunals (Enforcement of Orders in Other Jurisdictions) (Scotland) Regulations 2002 (S.I. 2002/2972 (S.12))

36.—(1) The Employment Tribunals (Enforcement of Orders in Other Jurisdictions) (Scotland) Regulations 2002⁽⁴⁴⁾ are amended in accordance with this paragraph.

(2) In regulation 4 (recognition or enforcement of tribunal decisions in another Regulation State), in paragraph (5)(a), after “civil and commercial matters” insert “, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁽⁴⁵⁾”.

EXPLANATORY NOTE

(This note is not part of these Regulations)

The European Community and the Kingdom of Denmark have entered into an agreement applying to Denmark the provisions of Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The agreement was signed on behalf of the European Community on 19th October 2005. The agreement has been approved on behalf of the European Community by a Council Decision of 27th April 2006 and enters into force on 1st July 2007.

These Regulations amend the Civil Jurisdiction and Judgments Act 1982, the Civil Jurisdiction and Judgments Order 2001 and the Civil Jurisdiction and Judgments (Authentic Instruments and Court Settlements) Order 2001, and make other consequential amendments, to give effect to the agreement.

As regards Denmark, Council Regulation (EC) No. 44/2001 is to have effect in accordance with the terms of the agreement. The Brussels Convention continues to have force of law, in relation to those territories to which the Convention applies but that are excluded from the Regulation. That means, at the date of these Regulations coming into force, Aruba and the French overseas territories.

These Regulations shall come into force on 1st July 2007.

⁽⁴⁴⁾ S.I. 2002/2972.

⁽⁴⁵⁾ OJ No. L 299 16.11.2005 at p62.