

SCHEDULE 2

Regulation 3

Amendments to the Civil Jurisdiction and Judgments Order 2001

1. The Civil Jurisdiction and Judgments Order 2001 is amended as follows.

Commencement Information

I1 Sch. 2 para. 1 in force at 10.1.2015, see reg. 1(1)

2. In Article 2 (interpretation), in paragraph (1), for the definition of “the Regulation” substitute—

““the Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)(1) as amended from time to time and as applied by virtue of 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(2);”.

Commencement Information

I2 Sch. 2 para. 2 in force at 10.1.2015, see reg. 1(1)

3.—(1) Schedule 1 (the Regulation) is amended as follows.

(2) In paragraph 1 (interpretation)—

- (a) in sub-paragraph (1), in the definition of “judgment”, for “Article 32” substitute “Article 2”; and
- (b) omit sub-paragraph (3).

(3) In paragraph 2 (enforcement of judgments other than maintenance orders (section 4))—

- (a) in sub-paragraph (1)—
 - (i) for “registered” substitute “enforced”; and
 - (ii) for “registration” substitute “enforcement”;
- (b) for sub-paragraph (2) substitute—

“(2) A judgment to be enforced under the Regulation shall for the purposes of its enforcement be of the same force and effect, the enforcing court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the enforcing court.

(2A) Where a judgment to be enforced under the Regulation would, if it had been given by a court in Northern Ireland, be enforced by the Enforcement of Judgments Office pursuant to the Judgments Enforcement (Northern Ireland) Order 1981(3), that judgment shall for the purposes of its enforcement be of the same force and effect, the Enforcement of Judgments Office shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by a court in Northern Ireland.”; and

(1) OJ No. L 351, 20.12.2012, p.1

(2) OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4

(3) SI 1981/226 (NI 6)

Changes to legislation: There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) Regulations 2014, SCHEDULE 2. (See end of Document for details)

- (c) in sub-paragraph (3), for “Article 47 (restriction on enforcement where appeal pending or time for appeal unexpired)” substitute “Articles 41(2) and 46”.
- (4) After paragraph 2, insert—

“Adaptation orders: Northern Ireland

2A.—(1) This article applies in relation to proceedings in Northern Ireland in relation to the adaptation of a measure or order pursuant to article 54 of the Regulation.

(2) In this article, an “adaptation order” means an order for the adaptation of a legal remedy which is contained in a foreign judgment but is unknown under the law of Northern Ireland pursuant to article 54 of the Regulation.

(3) The High Court may make an adaptation order on application or on its own initiative.

(4) An application for an adaptation order or a challenge under article 54(2) of the Judgments Regulation to the adaptation of any measure must be made to the High Court.

(5) A county court or the Enforcement of Judgments Office must refer any matter arising before it in relation to the adaptation of a measure or order pursuant to article 54 of the Regulation to the High Court.”

- (5) Omit paragraph 3 (recognition and enforcement of maintenance orders).
- (6) In paragraph 4 (appeals under article 44 and Annex IV), in the heading and in sub-paragraph (1), for “Article 44 and Annex IV” substitute “Article 50 and 75(c)”.
- (7) In paragraph 5 (interest on registered judgments (section 7))—
 - (a) in the heading, omit “registered”;
 - (b) for sub-paragraph (1) substitute—

“(1) Subject to sub-paragraph (2) and rules of court as to the payment of interest under this paragraph, where a person applying for enforcement of a judgment under the Regulation shows that—

 - (a) the judgment provides for the payment of a sum of money; and
 - (b) in accordance with the law of the Regulation State in which the judgment was given and the terms of the judgment, interest on that sum is recoverable at a particular rate and from a particular date or time,

the debt resulting from enforcement of the judgment is to carry interest at that rate and from that date or time.”
 - (c) in sub-paragraph (2)—
 - (i) for “registering” substitute “enforcing”; and
 - (ii) for “registration” substitute “enforcement”;
 - (d) omit sub-paragraph (3); and
 - (e) in sub-paragraph (4), for “Except as mentioned in sub-paragraph (3), debts under judgments registered” substitute “Debts under judgments enforced”.
- (8) Omit paragraph 6 (currency of payment under registered maintenance orders (section 8)).
- (9) In paragraph 7 (allocation within United Kingdom of jurisdiction with respect to trusts and consumer contracts (section 10))—
 - (a) In sub-paragraph (2), for “Article 5(6)” substitute “Article 7(6)”; and
 - (b) In sub-paragraph (3), for “Article 16(1)” substitute “Article 18(1)”.

(10) In paragraph 8 (proof and admissibility of certain judgments and related documents (section 11)), in sub-paragraph (1)(b), for “Article 54 and Annex V” substitute “Article 53 and Annex I”.

(11) In paragraph 9 (domicile of individuals (section 41)), in sub-paragraph (1), for “Article 59” substitute “Article 62”.

(12) In paragraph 10 (seat of company or other legal person or association for purposes of Article 22(2) (section 43)), in the heading, in sub-paragraph (1) and in sub-paragraph (4)(b), for “Article 22(2)” substitute “Article 24(2)”.

(13) In paragraph 11 (persons deemed to be domiciled in the United Kingdom for certain purposes (section 44))—

- (a) in sub-paragraph (2)(a), for “Article 9(2)” substitute “Article 11(2)”;
- (b) in sub-paragraph (2)(b), for “Article 15(2)” substitute “Article 17(2)”;
- and
- (c) in sub-paragraph (2)(c), for “Article 18(2)” substitute “Article 20(2)”.

Commencement Information

I3 Sch. 2 para. 3 in force at 10.1.2015, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Amendment) Regulations 2014, SCHEDULE 2.