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STATUTORY INSTRUMENTS

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**2018 No. 1124**

**EXITING THE EUROPEAN UNION  
PRIVATE INTERNATIONAL LAW**

The Civil Jurisdiction and Judgments (Hague Convention on  
Choice of Court Agreements 2005) (EU Exit) Regulations 2018

<i>Sift requirements satisfied</i>	<i>16th October 2018</i>
<i>Made - - - -</i>	<i>30th October 2018</i>
<i>Laid before Parliament</i>	<i>1st November 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 <sup>M1</sup> (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of and paragraph 21(b) of Schedule 7 to that Act.

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**Marginal Citations**

**M1** 2018 c. 16.

**PART 1**

Introduction

**Citation and commencement**

**1.** These Regulations may be cited as the Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018 and come into force on exit day.

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**Commencement Information**

**I1** [Reg. 1](#) in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

*Changes to legislation:* There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018. (See end of Document for details)

**Interpretation**

<sup>F1</sup>2. ....

**F1** Reg. 2 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 3\(2\)](#)

<sup>F2</sup>**PART 2**

The rights etc deriving from the 2005 Hague Convention

**F2** Pt. 2 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 3\(3\)](#)

**Rights etc deriving from the 2005 Hague Convention**

3. ....

**Choice of court agreements concluded before exit day**

4. ....

**Choice of court agreements concluded before the 2005 Hague Convention again enters into force for the United Kingdom**

5. ....

**Choice of court agreements concluded after the 2005 Hague Convention again enters into force for the United Kingdom**

6. ....

**PART 3**

<sup>F3</sup> ... Amendment of primary <sup>F4</sup> ... legislation

**F3** Words in Pt. 3 heading omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 3\(4\)\(a\)\(i\)](#)  
**F4** Words in Pt. 3 heading omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 3\(4\)\(a\)\(ii\)](#)

**Primary and subordinate legislation referring to the 2005 Hague Convention**

<sup>F5</sup>7. ....

**F5** Reg. 7 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\), s. 4\(3\), Sch. 5 para. 3\(4\)\(b\)](#)

## Civil Jurisdiction and Judgments Act 1982

8. In section 24 of the Civil Jurisdiction and Judgments Act 1982<sup>M2</sup> (interim relief and protective measures in cases of doubtful jurisdiction)—

- (a) in subsection (1)(c) (proceedings in England and Wales or Northern Ireland involving a reference to the European Court), omit “or the 2005 Hague Convention”;
- (b) in subsection (2)(c) (proceedings in Scotland involving a reference to the European Court), omit “or the 2005 Hague Convention”.

### Commencement Information

**I2** Reg. 8 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Marginal Citations

**M2** Section 24(1)(c) and (2)(c) was amended by [S.I. 2001/3929](#), [S.I. 2009/3131](#), [S.I. 2012/1809](#) and [S.I. 2015/1644](#).

## PART 4

### Amendment of retained direct EU legislation

#### Council Decision of 26 February 2009 (2009/397/EC)

9. Council Decision of 26 February 2009 on the signing on behalf of the European Community of the Convention on Choice of Court Agreements (2009/397/EC) is revoked.

### Commencement Information

**I3** Reg. 9 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Council Decision of 4 December 2014 (2014/887/EU)

10. Council Decision of 4 December 2014 on the approval, on behalf of the European Union, of the Convention on Choice of Court Agreements (2014/887/EU) is revoked.

### Commencement Information

**I4** Reg. 10 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Signed by authority of the Secretary of State for Justice

Ministry of Justice

*Lucy Frazer*  
Parliamentary Under-Secretary of State

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the power in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c) and (e)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments and modifications to legislation in the field of private international law, relating to the Hague Convention on Choice of Court Agreements, done at The Hague on 30th June 2005 (“the 2005 Hague Convention”). The United Kingdom has applied the 2005 Hague Convention since 1st October 2015 by virtue of the EU's conclusion of that Convention and it will cease to apply to the United Kingdom upon exit day. These Regulations make provision in relation to the directly effective rights etc derived from the 2005 Hague Convention in domestic law, both in relation to choice of court agreements that will lose the benefit of the convention upon exit day and in relation to choice of court agreements to which the 2005 Hague Convention will once again apply when the United Kingdom accedes to that convention in its own right.

Part 2 of these Regulations identifies the rights etc which are derived from the 2005 Hague Convention and recognised in domestic law by virtue of section 4 of the European Union Withdrawal Act 2018 (“the section 4 rights”). That Part also makes provision regarding how the section 4 rights are to apply to exclusive choice of court agreements concluded before exit day, those concluded after exit day but before the 2005 Hague Convention again enters into force for the United Kingdom, and to those exclusive choice of court agreements to which the 2005 Hague Convention will apply in accordance with the provisions of Article 16 when that Convention again enters into force for the United Kingdom.

Part 3 of these Regulations modifies primary and secondary legislation relating to the 2005 Hague Convention, applying it to the section 4 rights as they apply to exclusive choice of court agreements concluded before exit day and those concluded after exit day but before the 2005 Hague Convention again enters into force for the United Kingdom. It also repeals section 24 of the Civil Jurisdiction and Judgments Act 1982 (c.27) in so far as that provision relates to references to the Court of Justice of the European Union regarding interpretation of the 2005 Hague Convention.

Part 4 of these Regulations revokes retained EU legislation consisting of two Council Decisions relating to the signature and conclusion of the 2005 Hague Convention by the European Union. An impact assessment on the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) (EU Exit) Regulations 2018.