
STATUTORY INSTRUMENTS

2019 No. 834

**The Law Applicable to Contractual
Obligations and Non-Contractual Obligations
(Amendment etc.) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

Amendment of the Prescription and Limitation (Scotland) Act 1973

2. In section 23A(5) of the Prescription and Limitation (Scotland) Act 1973⁽¹⁾ (application of the Rome I and II Regulations)—

- (a) in paragraph (a) for “conflicts falling within Article 22(2)” substitute “application”;
- (b) in paragraph (b) for “conflicts falling within Article 25(2)” substitute “application”.

Amendment of the Contracts (Applicable Law) Act 1990

3.—(1) The Contracts (Applicable Law) Act 1990⁽²⁾ is amended as follows.

(2) For section 1 (meaning of “the Conventions”)⁽³⁾ substitute—

“Meaning of “the Rome Convention”

1. In this Act, a reference to the Rome Convention is a reference to the provisions contained in Schedule 1 (which is derived from the Convention on the law applicable to contractual obligations opened for signature in Rome on 19th June 1980).”

(3) In section 2 (Conventions to have force of law)⁽⁴⁾—

- (a) for the heading substitute “Application of the Rome Convention”;
- (b) for subsection (1) substitute—
 - “(1) The Rome Convention applies to contracts made on or after 1st April 1991.”;
- (c) omit subsections (1A), (2) and (4);
- (d) in subsection (3), for the words from “Notwithstanding” to “Conventions” substitute “The Rome Convention”.

(4) In section 3 (interpretation of Conventions)—

- (a) in the heading, for “Conventions” substitute “the Rome Convention”;
- (b) for subsection (1) substitute—

(1) 1973 c. 52. Section 23A was inserted by the Prescription and Limitation (Scotland) Act 1984 (c. 45) and amended by S.S.I. 2008/404 and 2009/410.

(2) 1990 c. 36.

(3) Section 1 was amended by S.I. 1994/1900 and 2000/1825.

(4) Section 2 was amended by S.I. 2000/1825 and 2001/3649.

- “(1) Any question as to the meaning or effect of any provision of the Rome Convention is to be decided in accordance with section 6 of the European Union (Withdrawal) Act 2018 (interpretation of retained EU law).”;
- (c) omit subsection (2);
 - (d) in subsection (3)(a)—
 - (i) for “Rome Convention” substitute “Convention on the law applicable to contractual obligations”⁽⁵⁾; and
 - (ii) for “that Convention” substitute “the Rome Convention”;
 - (e) omit subsection (3)(b) and the “and” before it.
- (5) Omit section 4 (revision of Conventions).
- (6) In section 4A(2) (disapplication where the rules in the Rome I Regulation apply: England and Wales and Northern Ireland)⁽⁶⁾, for “conflicts falling within Article 22(2)” substitute “application”.
- (7) In section 4B(2) (disapplication where the rules in the Rome I Regulation apply: Scotland)⁽⁷⁾, for “conflicts falling within Article 22(2)” substitute “application”.
- (8) Omit section 8(2) and (3) (power to extend or modify the Act in relation to territories).
- (9) In Schedule 1 (the Rome Convention)—
- (a) in the words before Article 1 (statement as to the establishment of the Convention), omit the words from “The High Contracting Parties” to “Have agreed as follows.”;
 - (b) in Article 1(3) (Convention to not apply to contracts of insurance covering risks in Member States)—
 - (i) for “Member States” substitute “United Kingdom or any Member State”;
 - (ii) omit the words from “In order” to the end;
 - (c) in Article 2 (application of law of non-contracting states)—
 - (i) for the heading substitute “Application of law of a country outside of the United Kingdom”;
 - (ii) for “a Contracting State” substitute “the United Kingdom or a part of the United Kingdom”;
 - (d) omit Article 7(1) (application of mandatory rules of the law of another country);
 - (e) omit Article 10(1)(e) (applicable law shall govern the consequences of nullity of the contract);
 - (f) omit Article 17 (no retrospective effect);
 - (g) omit Article 19(2) (states with more than one legal system not bound to apply convention to internal disputes);
 - (h) in Article 20 (precedence of Community law)—
 - (i) in the heading, for “Community” substitute “retained EU”;
 - (ii) for the words from “or will be contained” to the end substitute “contained in retained EU law”;
 - (i) in Article 21 (relationship with other conventions), for “a Contracting State” substitute “the United Kingdom”;
 - (j) omit from Article 22 to the end.

⁽⁵⁾ OJ No C282, 31.10.80, p.1.

⁽⁶⁾ Section 4A was inserted by [S.I. 2009/3064](#).

⁽⁷⁾ Section 4B was inserted by [S.S.I. 2009/410](#).

(10) Omit Schedules 2 to 3B (the Luxembourg Convention, the Brussels Protocol, the Funchal Convention and the Accession Convention).

Amendment of the Private International Law (Miscellaneous Provisions) Act 1995

4. In section 15B(2) of the Private International Law (Miscellaneous Provisions) Act 1995⁽⁸⁾ (disapplication of Part III where the rules in Rome II Regulation apply: Scotland) for “conflicts falling within Article 25(2)” substitute “application”.

⁽⁸⁾ 1995 c. 42. Section 15B was inserted by S.S.I. 2008/404.