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 Contracts (Applicable Law) Act 1990

3.—(1) The Contracts (Applicable Law) Act 1990 **M1** is amended as follows.

(2) For section 1 (meaning of "the Conventions") **M2** substitute—

> "**1 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) **M3**—

  (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) 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 "**M4** ; and

    (ii) for "that Convention" substitute " the Rome Convention ";

  (e) omit subsection (3)(b) and the "and" before it.

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Changes to legislation: There are currently no known outstanding effects for the The Law Applicable to Contractual Obligations
and Non-Contractual Obligations (Amendment etc.) (EU Exit) Regulations 2019, Section 3. (See end of Document for details)

(5) Omit section 4 (revision of Conventions).

[**F1**(6) In section 4A (disapplication where the rules in the Rome I Regulation apply: England and Wales and Northern Ireland), for subsection (2) substitute—

> "(2) In this section "the Rome I Regulation" means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as retained direct EU legislation (including that Regulation as applied by regulation 5 of the Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009), unless the issues are ones in respect of which Regulation (EC) No. 593/2008 has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.";]

[**F2**(7) In section 4B (disapplication where the rules in the Rome I Regulation apply: Scotland), for subsection (2) substitute—

> "(2) In this section—
>
> "the Rome I Regulation" means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations as that Regulation has effect as retained direct EU legislation (including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009), unless the issues are ones in respect of which Regulation (EC) No. 593/2008 has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.".]

(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.

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

F1   Reg. 3(6) substituted (17.12.2020) by The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1574), regs. 1, **6(4)(a)**

F2   Reg. 3(7) substituted (17.12.2020) by The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1574), regs. 1, **6(4)(b)**

Commencement Information

I1   Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Marginal Citations

M1   1990 c. 36.

M2   Section 1 was amended by S.I. 1994/1900 and 2000/1825.

M3   Section 2 was amended by S.I. 2000/1825 and 2001/3649.

M4   OJ No C282, 31.10.80, p.1.