

2024 No. 595 (L. 10)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 2) Rules 2024

Made - - - - *30th April 2024*
Laid before Parliament *2nd May 2024*
Coming into force in accordance with rule 1(1)

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules under section 1 of and Schedule 1 to that Act, and after fulfilling the requirements of section 2(6) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2024 and come into force on the date on which the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague enters into force in respect of the United Kingdom(b).

(2) In these Rules a reference to a Part or rule alone means the Part or rule so numbered in the Civil Procedure Rules 1998(c).

Saving provision

2.—(1) Where an application for registration of—

- (a) a judgment given by a court of a Contracting State; or
- (b) a court settlement approved by or concluded before a court of a Contracting State,

(a) 1997 c. 12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 4, Part 1. Section 1(1) was amended by the Crime and Courts Act 2013 (c. 22), section 17(5) and Schedule 9, Part 3, paragraph 67(a) and the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 174. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c. 39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Schedule 1 to the 1997 Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), section 3, Schedule, Part 1, paragraph 19, the Crime and Courts Act 2013, section 17(5), Schedule 9, Part 3, paragraph 67(b).

(b) This date will be determined under Article 28(2)(a) of that Convention and will be notified in the London, Edinburgh and Belfast Gazettes.

(c) S.I. 1998/3132. There are relevant amendments in S.I. 2002/2058, S.I. 2005/2292, S.I. 2009/3131, S.I. 2014/2948, S.I. 2014/3299, S.I. 2015/1644 and S.I. 2019/521.

was made under section 4B of the Civil Jurisdiction and Judgments Act 1982^(a) before the date on which these Rules come into force, Part 74 applies to proceedings relating to that application as if the changes made by these Rules had not been made.

(2) In paragraph (1), “Contracting State” means a State bound by the Convention on Choice of Court Agreements concluded on 30th June 2005 at The Hague.

Amendments to the Civil Procedure Rules 1998

3. The Civil Procedure Rules 1998 are amended in accordance with rule 4 of these Rules.

Amendment of Part 74

4.—(1) In the entry for rule 74.7 in the list of contents at the beginning of Part 74, for “registration” substitute “a registration order or decision”.

(2) In rule 74.1(5)—

(a) in sub-paragraph (g)—

(i) for “at the Hague”, substitute “at The Hague”;

(ii) substitute the full stop for a semi-colon; and

(b) after sub-paragraph (g), insert—

“(h) “the 2019 Hague Convention” means the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague.”.

(3) In rule 74.3(1)—

(a) at the end of sub-paragraph (c), insert “and”; and

(b) after sub-paragraph (c), insert—

“(d) section 4C of the 1982 Act^(b),”.

(4) In rule 74.4—

(a) for paragraph (5A), substitute—

“(6) Written evidence in support of an application under section 4B of the 1982 Act (registration and enforcement of judgments under the 2005 Hague Convention) must also—

(a) confirm that the judgment—

(i) meets the condition in Article 8(3) of the 2005 Hague Convention;

(ii) otherwise meets the requirements for recognition or enforcement under the 2005 Hague Convention; and

(b) include any other evidence required by Article 13 of the 2005 Hague Convention.”; and

(b) after paragraph (6), insert—

“(7) Written evidence in support of an application under section 4C of the 1982 Act (registration and enforcement of judgments under the 2019 Hague Convention) must also—

(a) confirm that the judgment—

(i) meets the condition in Article 4(3) of the 2019 Hague Convention;

(a) 1982 c. 27. Section 4B was inserted by S.I. 2015/1644 (regulations 2 and 4). Regulation 25 applies section 4B (with modifications) to judicial settlements as if they were judgments.

(b) 1982 c. 27. Section 4C inserted by S.I. 2024/[xxx] (regulation 7).

- (ii) meets at least one condition in Article 5 or 6 of the 2019 Hague Convention;
and
 - (iii) otherwise meets the requirements for recognition or enforcement under the 2019 Hague Convention; and
- (b) include any other evidence required by Article 12 of the 2019 Hague Convention.”.
- (5) In rule 74.5(1)—
- (a) at the end of sub-paragraph (a), insert “and”;
 - (b) at the end of sub-paragraph (b), substitute “; and” for a comma; and
 - (c) omit sub-paragraph (c).
- (6) In rule 74.6(3)—
- (a) for sub-paragraph (c), substitute—
 - “(c) the right of the judgment debtor in the case of registration following an application under the 1920 Act^(a), the 1933 Act^(b) or the 1982 Act, to apply to have the registration set aside;”;
 - (b) in sub-paragraph (d), omit “or appeal”.
- (7) In rule 74.7—
- (a) in the title heading to this rule, for “registration” substitute “a registration order or decision”; and
 - (b) for paragraph (1), substitute—
 - “(1) An application to set aside a decision on a registration application under the 1920 Act, the 1933 Act or the 1982 Act must be made within the period set out in the registration order or decision.”.
- (8) Omit rule 74.8.
- (9) In rule 74.9(2)(b)—
- (a) omit “or an appeal under rule 74.3”; and
 - (b) after “until the application”, omit “or appeal”.
- (10) For rule 74.10, substitute—

“Recognition

74.10—(1) Registration of a judgment on an application made under section 4B or 4C of the 1982 Act serves as a decision that the judgment is recognised for the purposes of the 2005 Hague Convention or the 2019 Hague Convention, respectively.

(2) An application for registration of a judgment made under section 4B or 4C of the 1982 Act for the purposes of recognition is governed by the same rules as an application for registration of a judgment for the purposes of recognition and enforcement, except that rule 74.4(5)(a) and (c) do not apply.”.

(11) In rule 74.11, after “the 2005 Hague Convention”, insert “or article 11 of the 2019 Hague Convention”.

(a) 1920 c. 81.

(b) 1933 c. 13. Section 2 was amended by section 4 of the Administration of Justice Act 1977 (c. 38).

*Lord Justice Birss
Mr Justice Trower
His Honour Judge Hywel James
District Judge Clarke
Master Sullivan
Anja Lansbergen-Mills
Tom Montagu-Smith KC
Benjamin Roe*

I allow these Rules

30th April 2024

Bellamy
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by amending Part 74 to—

- make procedure rules for the operation of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (“the 2019 Convention”) in England and Wales. In particular, the rules make provision relating to the registration of judgments from states which are Contracting States to the 2019 Convention for recognition or enforcement in England and Wales, for the issuance of certificates for judgments made in England and Wales for the purpose of recognition or enforcement in other Contracting States and for set aside applications for registration decisions; and
- amend the rules which make provision for the operation of the 2005 Hague Convention on Choice of Court Agreements (“the 2005 Convention”) to make them consistent with the provisions being adopted for the 2019 Convention and to reflect changes made in The Recognition and Enforcement of Judgments (2019 Hague Convention etc.) Regulations 2024 (S.I. 2024/[xxx]). Rule 2 provides that, if an application has been made to register a judgment under the 2005 Convention before these Rules come into force, Part 74 will continue to have effect as though the amendments made by these Rules had not been made in proceedings relating to that application.

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