



# Civil Jurisdiction and Judgments Act 1982

## 1982 CHAPTER 27

### PART I

#### IMPLEMENTATION OF THE CONVENTIONS

##### *Main implementing provisions*

## 1 Interpretation of references to the Conventions and Contracting States. **U.K.**

(1) In this Act—

“the 1968 Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention), signed at Brussels on 27th September 1968;

“the 1971 Protocol” means the Protocol on the interpretation of the 1968 Convention by the European Court, signed at Luxembourg on 3rd June 1971;

“the Accession Convention” means the Convention on the accession to the 1968 Convention and the 1971 Protocol of Denmark, the Republic of Ireland and the United Kingdom, signed at Luxembourg on 9th October 1978;

[<sup>F1</sup>“the 1982 Accession Convention” means the Convention on the accession of the Hellenic Republic to the 1968 convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on 25th October 1982;]

[<sup>F2</sup>“the 1989 Accession Convention ” means the Convention on the accession of the kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol,with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia-San Sebastian on 26th May 1989]

[<sup>F3</sup>“the 1996 Accession Convention” means the Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, the 1982 Accession

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Convention and the 1989 Accession Convention, signed at Brussels on 29th November 1996,]

[<sup>F4</sup>[<sup>F5</sup>“the Brussels Conventions”] means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention [<sup>F6</sup>, the 1989 Accession Convention and the 1996 Accession Convention].]

[<sup>F7</sup>“the Lugano Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocols annexed to that Convention) opened for signature at Lugano on 16th September 1988 and signed by the United Kingdom on 18th September 1989.]

[<sup>F8</sup> “the Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.]

(2) In this Act, unless the context otherwise requires—

[<sup>F9</sup>(a) references to, or to any provision of, the 1968 Convention or the 1971 Protocol are references to that Convention, Protocol or provision as amended by the Accession Convention and the 1982 Accession Convention [<sup>F10</sup>, the 1989 Accession Convention and the 1996 Accession Convention]; and]

[<sup>F11</sup>(aa) references to, or to any provision of, the Lugano Convention are references to that Convention as amended on the accession to it of Poland; and]

[<sup>F12</sup>(b) any reference in any provision to a numbered Article without more is a reference—

(i) to the Article so numbered of the 1968 Convention, in so far as the provision applies in relation to that Convention, and

(ii) to the Article so numbered of the Lugano Convention, in so far as the provision applies in relation to that Convention,

and any reference to a sub-division of a numbered Article shall be construed accordingly.]

[<sup>F13</sup>(3) [<sup>F14</sup>In this Act—

“Contracting State”, without more, in any provision means—

(a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State; and

(b) in the application of the provision in relation to the Lugano Convention, a Lugano Contracting State;

“Brussels Contracting State” means—]

(a) one of the original parties to the 1968 Convention (Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands); or

(b) one of the parties acceding to that Convention under the Accession Convention (Denmark, the Republic of Ireland and the United Kingdom), or under the 1982 Accession Convention (the Hellenic Republic), or under the 1989 Accession Convention (Spain and Portugal) [<sup>F15</sup>or under the 1996 Accession Convention (Austria, Finland and Sweden)].

being a state in respect of which the Accession Convention has entered into force in accordance with Article 39 of that Convention, or being a state in respect of which the 1982 Accession Convention has entered into force in accordance with Article 15 of that Convention, or being a state in respect of which Article 32 of that Convention, [<sup>F16</sup>or being a state in respect of which the

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1996 Accession Convention has entered into force in accordance with Article 16 of that Convention,] as the case might be.

[<sup>F17</sup>[<sup>F18</sup> “Lugano Contracting State” means—

- (a) one of the original parties to the Lugano Convention, that is to say Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, the Hellenic Republic, Iceland, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom; or
- (b) a party who has subsequently acceded to that Convention, that is to say, Poland]

being a State in relation to which that Convention has taken effect in accordance with paragraph 3 or 4 of Article 61.]

[<sup>F19</sup> “Regulation State” in any provision, in the application of that provision in relation to the Regulation, has the same meaning as “Member State” in the Regulation, that is all Members States except Denmark.]]

#### Textual Amendments

- F1** Definition in s. 1(1) inserted by [S.I. 1989/1346, art. 3](#)
- F2** Definition in s. 1(1) inserted (1.10.1991) by [S.I. 1990/2591, art. 3](#).
- F3** S. 1(1): definition of "the 1996 Accession Convention" inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 3\(a\)](#)
- F4** Definition in s. 1(1) substituted (1.10.1991) by [S.I. 1990/2591, art. 4](#)
- F5** Words in s. 1(1) substituted (1.5.1992) by virtue of [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\), s. 2\(2\)](#), (with s. 4); [S.I. 1992/745, art. 2](#)
- F6** S. 1(1): words in definition of "the Brussels Conventions" substituted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 3\(b\)](#)
- F7** Words in s. 1(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\), s. 2\(3\)](#), (with s. 4); [S.I. 1992/745, art. 2](#)
- F8** Definition of "the Regulation" in s. 1(1) inserted (25.1.2002) by [S.I. 2001/3929, arts. 1\(a\), 4, Sch. 2 para. 1\(a\)](#)
- F9** S. 1(2)(a) substituted (1.10.1991) by [S.I. 1990/2591, art. 5](#)
- F10** Words in s. 1(2)(a) substituted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 4](#)
- F11** S. 1(2)(aa) inserted (1.8.2000) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 9](#)
- F12** S. 1(2)(b) substituted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\), s. 2\(4\)](#), (with s. 4); [S.I. 1992/745, art. 2](#)
- F13** S. 1(3) substituted (1.10.1991) by [S.I. 1990/2591, art. 6](#)
- F14** Words in s. 1(3) substituted (1.5.1992) by virtue of [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\), s.2\(5\)](#), (with s. 4); [S.I. 1992/745, art. 2](#)
- F15** Words in s. 1(3) inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 5\(a\)](#)
- F16** Words in s. 1(3) inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 5\(b\)](#)
- F17** Definition in s. 1(3) added (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\), s. 2\(6\)](#) (with s. 4); [S.I. 1992/745, art. 2](#)
- F18** Words in s. 1(3) substituted (1.8.2000) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\), arts. 1, 10](#)
- F19** Definition of "Regulation State" in s. 1(3) inserted (25.1.2002) by [S.I. 2001/3929, arts. 1\(a\), 4, Sch. 2 para. 1\(b\)\(ii\)](#)

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## 1 Interpretation of references to the Conventions and Contracting States. **U.K.**

### (1) In this Act—

“the 1968 Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocol annexed to that Convention), signed at Brussels on 27th September 1968;

“the 1971 Protocol” means the Protocol on the interpretation of the 1968 Convention by the European Court, signed at Luxembourg on 3rd June 1971;

“the Accession Convention” means the Convention on the accession to the 1968 Convention and the 1971 Protocol of Denmark, the Republic of Ireland and the United Kingdom, signed at Luxembourg on 9th October 1978;

[<sup>F34</sup>“the 1982 Accession Convention” means the Convention on the accession of the Hellenic Republic to the 1968 convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, signed at Luxembourg on 25th October 1982;]

[<sup>F35</sup>“the 1989 Accession Convention ” means the Convention on the accession of the kingdom of Spain and the Portuguese Republic to the 1968 Convention and the 1971 Protocol,with the adjustments made to them by the Accession Convention and the 1982 Accession Convention, signed at Donostia-San Sebastian on 26th May 1989]

[<sup>F3</sup>“the 1996 Accession Convention” means the Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the 1968 Convention and the 1971 Protocol, with the adjustments made to them by the Accession Convention, the 1982 Accession Convention and the 1989 Accession Convention, signed at Brussels on 29th November 1996,]

[<sup>F36</sup>[<sup>F37</sup>“the Brussels Conventions”] means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention [<sup>F6</sup>, the 1989 Accession Convention and the 1996 Accession Convention].

[<sup>F38</sup>“the Lugano Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (including the Protocols annexed to that Convention) opened for signature at Lugano on 16th September 1988 and signed by the United Kingdom on 18th September 1989.]

### (2) In this Act, unless the context otherwise requires—

[<sup>F39</sup>(a) references to, or to any provision of, the 1968 Convention or the 1971 Protocol are references to that Convention, Protocol or provision as amended by the Accession Convention and the 1982 Accession Convention [<sup>F10</sup>, the 1989 Accession Convention and the 1996 Accession Convention]; and]

[<sup>F11</sup>(aa) references to, or to any provision of, the Lugano Convention are references to that Convention as amended on the accession to it of Poland; and]

[<sup>F40</sup>(b) any reference in any provision to a numbered Article without more is a reference—

(i) to the Article so numbered of the 1968 Convention, in so far as the provision applies in relation to that Convention, and

(ii) to the Article so numbered of the Lugano Convention, in so far as the provision applies in relation to that Convention,

and any reference to a sub-division of a numbered Article shall be construed accordingly.]

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- [<sup>F42</sup>In this Act—
- <sup>F41</sup>(3) “Contracting State”, without more, in any provision means—
- (a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State; and
  - (b) in the application of the provision in relation to the Lugano Convention, a Lugano Contracting State;
- “Brussels Contracting State” means—
- (a) one of the original parties to the 1968 Convention (Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands); or
  - (b) one of the parties acceding to that Convention under the Accession Convention (Denmark, the Republic of Ireland and the United Kingdom), or under the 1982 Accession Convention (the Hellenic Republic), or under the 1989 Accession Convention (Spain and Portugal) [<sup>F15</sup>or under the 1996 Accession Convention (Austria, Finland and Sweden)].

being a state in respect of which the Accession Convention has entered into force in accordance with Article 39 of that Convention, or being a state in respect of which the 1982 Accession Convention has entered into force in accordance with Article 15 of that Convention, or being a state in respect of which Article 32 of that Convention, [<sup>F16</sup>or being a state in respect of which the 1996 Accession Convention has entered into force in accordance with Article 16 of that Convention,] as the case might be.

[<sup>F18F17</sup>“Lugano Contracting State” means—

- (a) one of the original parties to the Lugano Convention, that is to say Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, the Hellenic Republic, Iceland, the Republic of Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom; or
- (b) a party who has subsequently acceded to that Convention, that is to say, Poland]

being a State in relation to which that Convention has taken effect in accordance with paragraph 3 or 4 of Article 61.]]

#### Textual Amendments

- F3** S. 1(1): definition of "the 1996 Accession Convention" inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 3\(a\)](#)
- F6** S. 1(1): words in definition of "the Brussels Conventions" substituted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 3\(b\)](#)
- F10** Words in s. 1(2)(a) substituted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 4](#)
- F11** S. 1(2)(aa) inserted (1.8.2000) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 9](#)
- F15** Words in s. 1(3) inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 5\(a\)](#)
- F16** Words in s. 1(3) inserted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), [arts. 1, 5\(b\)](#)

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- F17** Definition in s. 1(3) added (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 2(6) (with s. 4); S.I. 1992/745, art. 2
- F18** Words in s. 1(3) substituted (1.8.2000) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), arts. 1, 10
- F34** Definition in s. 1(1) inserted by S.I. 1989/1346, art. 3
- F35** Definition in s. 1(1) inserted (1.10.1991) by S.I. 1990/2591, art. 3.
- F36** Definition in s. 1(1) substituted (1.10.1991) by S.I. 1990/2591, art. 4
- F37** Words in s. 1(1) substituted (1.5.1992) by virtue of Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 2(2), (with s. 4); S.I. 1992/745, art. 2
- F38** Words in s. 1(1) inserted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 2(3), (with s. 4); S.I. 1992/745, art.2
- F39** S. 1(2)(a) substituted (1.10.1991) by S.I. 1990/2591, art. 5
- F40** S. 1(2)(b) substituted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 2(4), (with s. 4); S.I. 1992/745, art.2
- F41** S. 1(3) substituted (1.10.1991) by S.I. 1990/2591, art. 6
- F42** Words in s. 1(3) substituted (1.5.1992) by virtue of Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s.2(5), (with s. 4); S.I. 1992/745, art.2

## 2 The <sup>F20</sup>Brussels Conventions] to have the force of law.

- (1) The <sup>F20</sup>Brussels Conventions] shall have the force of law in the United Kingdom, and judicial notice shall be taken of them.
- <sup>F21</sup>(2) For convenience of reference there are set out in Schedules 1, 2, 3, 3A <sup>F22</sup>, 3B and 3C] respectively the English texts of—
- (a) the 1968 Convention as amended by Titles II and III of the Accession Convention and by Titles II and III of the 1982 Accession Convention <sup>F23</sup>. . . by Titles II and III of, and Annex I(d) to, the 1989 Accession Convention <sup>F24</sup>and by Titles II and III of the 1996 Accession Convention];
  - (b) the 1971 Protocol as amended by Title IV of the Accession Convention, by Title IV of the 1982 Accession Convention <sup>F23</sup>. . . by Title IV of the 1989 Accession Convention <sup>F25</sup>and by Title IV of the 1996 Accession Convention];
  - (c) Titles V and VI of the Accession Convention (transitional and final provisions) as amended by Title V of the 1989 Accession Convention;
  - (d) Titles V and VI of the 1982 Accession Convention (transitional and final provisions); and
  - (e) Titles VI and VII of the 1989 Accession Convention (transitional and final provisions),
  - <sup>F26</sup>[ Titles V and VI of the 1996 Accession Convention (transitional and final provisions),]
- being texts prepared from the authentic English texts referred to in Articles 37 and 41 of the Accession Convention, in Article 17 of the 1982 Accession Convention <sup>F27</sup>, in Article 34 of the 1989 Accession Convention and in Article 18 of the 1996 Accession Convention].]

### Textual Amendments

- F20** Words in s. 2 substituted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 3, Sch. 2 para.1 (with s. 4); S.I. 1992/745, art.2
- F21** S. 2(2) substituted (1.10.1991) by S.I. 1990/2591, art. 7

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- F22** Words in s. 2(2) substituted (1.1.2001) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(a)**
- F23** Words in s. 2(2)(a)(b) deleted (1.1.2001) by virtue of The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(b)**
- F24** Words in s. 2(2)(a) inserted (1.1.2001) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(c)**
- F25** Words in s. 2(2)(b) inserted (1.1.2001) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(d)**
- F26** S. 2(2)(f) inserted (1.1.2001) by The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(e)**
- F27** Words in s. 2(2) substituted (1.1.2001) by virtue of The Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824), **arts. 1, 6(f)**

### 3 Interpretation of the [F28Brussels Conventions].

- (1) Any question as to the meaning or effect of any provision of the [F28Brussels Conventions] shall, if not referred to the European Court in accordance with the 1971 Protocol, be determined in accordance with the principles laid down by and any relevant decision of the European Court.
- (2) Judicial notice shall be taken of any decision of, or expression of opinion by, the European Court on any such question.
- (3) Without prejudice to the generality of subsection (1), the following reports (which are reproduced in the Official Journal of the Communities), namely—
- (a) the <sup>M1</sup>reports by Mr. P. Jenard on the 1968 Convention and the 1971 Protocol; and
  - (b) the <sup>M2</sup>report by Professor Peter Schlosser on the Accession Convention [F29; and
  - (c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention][F30; and
  - (d) the report by Mr. Martinho de Almeida Cruz, Mr. Manuel Desantes Real and Mr. P. Jenard on the 1989 Accession Convention,]
- may be considered in ascertaining the meaning or effect of any provision of the [F28Brussels Conventions] and shall be given such weight as is appropriate in the circumstances.

#### Textual Amendments

- F28** Words in s. 3 substituted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 3, **Sch. 2 para.1** (with s. 4); S.I. 1992/745, **art. 2**
- F29** S. 3(3)(c) and preceding word inserted by S.I. 1989/1346, **art. 8**
- F30** S. 3(3)(d) and preceding word inserted (1.10.1991) by S.I. 1990/2591, **art. 8**

#### Marginal Citations

- M1** O.J.1979 No. C59/1 and 66.
- M2** O.J.1979 No. C59/71.

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**[<sup>F31</sup>3A The Lugano Convention to have the force of law.**

- (1) The Lugano Convention shall have the force of law in the United Kingdom, and judicial notice shall be taken of it.
- (2) For convenience of reference there is set out in Schedule 3C the English text of the Lugano Convention [<sup>F32</sup>as amended on the accession of Poland to that Convention].]

**Textual Amendments**

**F31** Ss. 3A, 3B inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), **s. 1(1)**, (with s. 4); [S.I. 1992/745](#), **art. 2**

**F32** Words in s. 3A(2) inserted (1.8.2000) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), **arts. 1, 11**

**[<sup>F33</sup>3B Interpretation of the Lugano Convention.**

- (1) In determining any question as to the meaning or effect of a provision of the Lugano Convention, a court in the United Kingdom shall, in accordance with Protocol No. 2 to that Convention, take account of any principles laid down in any relevant decision delivered by a court of any other Lugano Contracting State concerning provisions of the Convention.
- (2) Without prejudice to any practice of the courts as to the matters which may be considered apart from this section, the report on the Lugano Convention by Mr. P. Jenard and Mr. G. Möller (which is reproduced in the Official Journal of the Communities of 28th July 1990) may be considered in ascertaining the meaning or effect of any provision of the Convention and shall be given such weight as is appropriate in the circumstances.]

**Textual Amendments**

**F33** Ss. 3A, 3B inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), **s. 1(1)**, (with s. 4); [S.I. 1992/745](#), **art. 2**



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