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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Civil Jurisdiction and Judgments  
(Amendment) (EU Exit) Regulations 2019**

**Part 6**

**Savings**

**Modifications of relevant instruments and EU-derived domestic legislation saved by regulation 92**

**93.**—(1) In any case where regulation 92 applies, the relevant instruments and EU-derived domestic legislation saved by regulation 92 apply with the following modifications.

(2) Where before exit day a court in any part of the United Kingdom (the UK court) was seised of proceedings to which a relevant instrument applies, and a court in a State bound by that relevant instrument is subsequently seised of proceedings involving the same cause of action and between the same parties, the UK court may after exit day decline jurisdiction if, and only if, it considers that it would be unjust not to do so.

(3) If before exit day a court in any part of the United Kingdom was seised of proceedings against a defendant domiciled in a State bound by a relevant instrument, and it has not been possible to transmit the document instituting the proceedings in accordance with Regulation (EC) No. 1393/2007 by reason of the exit of the United Kingdom from the European Union, then, if the defendant does not appear before the court, the court may apply whichever of the following provisions of that relevant instrument listed below as appears just—

- (a) Article 26(2) or (4) of Regulation (EC) No 44/2001;
- (b) Article 26(2) or (4) of the 2007 Lugano Convention;
- (c) Article 28(2) or (4) of Regulation (EU) No 1215/2012.

(4) Where regulation 85(1)(b) applies, any obligation to provide or serve a certificate under any of the following provisions does not apply—

- (a) Articles 54, 57 and 58 of Regulation (EC) No 44/2001;
- (b) Articles 54, 57 and 58 of the 2007 Lugano Convention;
- (c) Articles 53 and 60 of Regulation (EU) No 1215/2012.

(5) In this regulation, “Regulation (EC) No. 1393/2007” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) and repealing Council Regulation (EC) No. 1348/2000.

(6) In this regulation, references to “defendant” include “defender”.