



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.

(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;

[^{F1}“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;]

[^{F2} “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]

[^{F3}“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,]

[^{F4}“the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague;]

[^{F5}“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23 November 2007;]

[^{F6}[^{F7} “the Brussels Conventions”] means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention [^{F8}, the 1989 Accession Convention and the 1996 Accession Convention].]

[^{F9}“the Lugano Convention” means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007 ^{M1}.]

[^{F10}“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;]

[^{F11}“the Regulation” means Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) as amended from time to time and as applied by virtue of the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ No L 299, 16.11.2005, p62; OJ No L79, 21.3.2013, p4);]

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

[^{F12}(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 [^{F13}, the 1989 Accession Convention and the 1996 Accession Convention]; and]

(aa) ^{F14}

[^{F15}(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.]

[^{F16}(3) In this Act—

[^{F17}“2005 Hague Convention State”, in any provision, in the application of that provision in relation to the 2005 Hague Convention, means a State bound by that Convention;]

[^{F18}“2007 Hague Convention State”, in any provision, in the application of that provision in relation to the 2007 Hague Convention, means a State bound by that Convention;]

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

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- (a) in the application of the provision in relation to the Brussels Conventions, a Brussels Contracting State;^{F19} ...
- (b) in the application of the provision in relation to the Lugano Convention, a [^{F20}State bound by the Lugano Convention]; [^{F21}and]
- (c) [^{F22}in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State;]
- [^{F23}“Brussels Contracting State” means a state which is one of the original parties to the 1968 Convention or one of the parties acceding to that Convention under the Accession Convention, or under the 1982 Accession Convention, or under the 1989 Accession Convention, but only with respect to any territory—
- (a) to which the Brussels Conventions apply; and
- (b) which is excluded from the scope of the Regulation pursuant to [^{F24}Articles 349 and 355 of the Treaty on the Functioning of the European Union];]
- [^{F25}“Maintenance Regulation State”, in any provision, in the application of that provision in relation to the Maintenance Regulation means a Member State;]
- [^{F26}“State bound by the Lugano Convention” in any provision, in the application of that provision in relation to the Lugano Convention has the same meaning as in Article 1(3) of that Convention]
- [^{F27}“Regulation State” in any provision, in the application of that provision in relation to the Regulation, means a Member State.]]
- (4) Any question arising as to whether it is the Regulation, any of [^{F28}the Brussels Conventions, the Lugano Convention, or the 2005 Hague Convention] which applies in the circumstances of a particular case shall be determined as follows—
- (a) in accordance with [^{F29}Article 64] of the Lugano Convention (which determines the relationship between the Brussels Conventions and the Lugano Convention);^{F30} ...
- (b) in accordance with Article 68 of the Regulation (which determines the relationship between the Brussels Conventions and the Regulation) [^{F31}; and]
- [^{F32}(c) in accordance with Article 26 of the 2005 Hague Convention (which determines the relationship between the Brussels Conventions, the Lugano Convention, the Regulation and the 2005 Hague Convention).]

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** Words in s. 1(1) inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\), regs. 1\(1\), 3\(2\)](#)
- F5** Words in s. 1(1) inserted (31.7.2012) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Rules of Court\) Regulations 2012 \(S.I. 2012/1770\), regs. 1\(1\), 4\(a\)](#)
- F6** Definition in s. 1(1) substituted (1.10.1991) by [S.I. 1990/2591, art. 4](#)
- F7** 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](#)
- F8** 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\(b\)](#)

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- F9** S. 1(1): definition of "the Lugano Convention" substituted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 3(2)** (with reg. 48)
- F10** S. 1(1): definition of "the Maintenance Regulation" inserted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 4(2)**
- F11** Words in s. 1(1) substituted (10.1.2015) by The Civil Jurisdiction and Judgments (Amendment) Regulations 2014 (S.I. 2014/2947), **reg. 1, Sch. 1 para. 2** (with reg. 6)
- F12** S. 1(2)(a) substituted (1.10.1991) by S.I. 1990/2591, **art. 5**
- F13** 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**
- F14** S. 1(2)(aa) omitted (1.1.2010) by virtue of The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 3(3)** (with reg. 48)
- F15** 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**
- F16** S. 1(3) substituted (1.10.1991) by S.I. 1990/2591, **art. 6**
- F17** Words in s. 1(3) inserted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(3)(a)**
- F18** Words in s. 1(3) inserted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), **regs. 1(1), 4(b)**
- F19** Word in s. 1(3) omitted (1.10.2015) by virtue of The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(3)(b)(i)**
- F20** S. 1(3): words in definition of "Contracting State" substituted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 3(4)(a)** (with reg. 48)
- F21** Word in s. 1(3) inserted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(3)(b)(ii)**
- F22** Words in s. 1(3) inserted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(3)(b)(iii)**
- F23** S. 1(3): definition of "Brussels Contracting State" substituted (1.7.2007) by The Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655), **reg. 2(3)(a)**
- F24** Words in s. 1(3) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), **art. 2(1), Sch. Pt. 1** (with art. 2(2))
- F25** S. 1(3): definition of "Maintenance Regulation State" inserted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 4(3)**
- F26** S. 1(3): definition of "Lugano Contracting State" substituted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 3(4)(b)** (with reg. 48)
- F27** S. 1(3): definition of "Regulation State" substituted (1.7.2007) by The Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655), **reg. 2(3)(b)**
- F28** Words in s. 1(4) substituted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(4)(a)**
- F29** Words in s. 1(4)(a) substituted (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 3(5)** (with reg. 48)
- F30** Word in s. 1(4)(a) omitted (1.10.2015) by virtue of The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(4)(b)**
- F31** Word in s. 1(4)(b) inserted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(4)(c)**
- F32** S. 1(4)(c) inserted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), **regs. 1(1), 3(4)(d)**

Marginal Citations

- M1** OJ No. L339, 21.12.2007 at p.3.

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2 The [F33Brussels Conventions] to have the force of law.

(1) The [F33Brussels Conventions] shall have the force of law in the United Kingdom, and judicial notice shall be taken of them.

[F34(2) For convenience of reference there are set out in Schedules 1, 2, 3, 3A [F35, 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 [F36, . . . by Titles II and III of, and Annex I(d) to, the 1989 Accession Convention [F37 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 [F36, . . . by Title IV of the 1989 Accession Convention [F38 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),
- [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 [F40, in Article 34 of the 1989 Accession Convention and in Article 18 of the 1996 Accession Convention].]

Textual Amendments

- F33** 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**
- F34** S. 2(2) substituted (1.10.1991) by S.I. 1990/2591, **art. 7**
- F35** 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)**
- F36** 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)**
- F37** 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)**
- F38** 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)**
- F39** 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)**
- F40** 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 [F41Brussels Conventions].

(1) Any question as to the meaning or effect of any provision of the [F41Brussels 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.

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- (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 ^{M2}reports by Mr. P. Jenard on the 1968 Convention and the 1971 Protocol; and
 - (b) the ^{M3}report by Professor Peter Schlosser on the Accession Convention [^{F42}; and
 - (c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention][^{F43}; 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 [^{F41}Brussels Conventions] and shall be given such weight as is appropriate in the circumstances.

Textual Amendments

- F41** 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**
- F42** S. 3(3)(c) and preceding word inserted by S.I. 1989/1346, **art. 8**
- F43** S. 3(3)(d) and preceding word inserted (1.10.1991) by S.I. 1990/2591, **art. 8**

Marginal Citations

- M2** O.J.1979 No. C59/1 and 66.
- M3** O.J.1979 No. C59/71.

3A The Lugano Convention to have the force of law.

^{F44}

Textual Amendments

- F44** S. 3A repealed (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 4** (with reg. 48)

3B Interpretation of the Lugano Convention.

^{F45}

Textual Amendments

- F45** S. 3B repealed (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 4** (with reg. 48)

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Supplementary provisions as to recognition and enforcement of judgments

4 Enforcement of judgments other than maintenance orders.

- (1) A judgment, other than a maintenance order, which is the subject of an application under Article 31 [F⁴⁶ of the 1968 Convention F⁴⁷ . . .] for its enforcement in any part of the United Kingdom shall, to the extent that its enforcement is authorised by the appropriate court, be registered in the prescribed manner in that court.

In this subsection “the appropriate court” means the court to which the application is made in pursuance of Article 32 (that is to say, the High Court or the Court of Session).

- (2) Where a judgment is registered under this section, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.
- (3) A judgment registered under this section shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.
- (4) Subsection (3) is subject to Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under this section may be enforced.

Textual Amendments

F46 Words in s. 4(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgment Act 1991 \(c. 12, SIF 45: 3\)](#), s. 3, [Sch. 2 para.2](#) (with s. 4); [S.I. 1992/745](#), [art.2](#)

F47 Words in s. 4(1) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 5\(1\)](#) (with [reg. 48](#))

Modifications etc. (not altering text)

C1 S. 4 applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), [art. 2](#).

[F⁴⁸ 4A Enforcement of judgments, other than maintenance orders, under the Lugano Convention

- (1) Where a judgment, other than a maintenance order, is registered under the Lugano Convention, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.
- (2) A judgment other than a maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.
- (3) Subsection (2) is subject to Article 47(3) of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner

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in which and conditions subject to which a judgment registered under the Lugano Convention may be enforced.]

Textual Amendments

F48 S. 4A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 5\(2\)](#) (with [reg. 48](#))

Modifications etc. (not altering text)

C2 S. 4A applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 47\(2\)-\(4\)](#) (with [reg. 48](#))

[^{F49}4B. Registration and enforcement of judgments under the 2005 Hague Convention

- (1) A judgment which is required to be recognised and enforced under the 2005 Hague Convention in any part of the United Kingdom must be registered in the prescribed manner in the appropriate court, on the application of any interested party.
- (2) In subsection (1) “the appropriate court” means—
 - (a) in England and Wales or Northern Ireland, the High Court;
 - (b) in Scotland, the Court of Session.
- (3) A judgment which is required to be recognised and enforced under the 2005 Hague Convention must be registered without delay on completion of the formalities in Article 13 of the 2005 Hague Convention if the registering court considers that it meets the condition for recognition in Article 8(3) of the 2005 Hague Convention, without any review of whether a ground for refusal under Article 9 applies.
- (4) The party against whom enforcement is sought shall not be entitled to make any submission on the application for registration.
- (5) Where a judgment which is required to be recognised and enforced under the 2005 Hague Convention has been registered, the reasonable costs or expenses of and incidental to its registration shall be recoverable as if they were sums recoverable under the judgment.
- (6) A judgment which is required to be recognised and enforced under the 2005 Hague Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the judgment had been originally given by the registering court and had (where relevant) been entered.
- (7) Subsection (6) is subject to section 7 (interest on registered judgments) and to any provision made by rules of court as to the manner in which and conditions subject to which a judgment registered under the 2005 Hague Convention may be enforced.]

Textual Amendments

F49 S. 4B inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), [regs. 1\(1\), 4](#)

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Modifications etc. (not altering text)

- C3 S. 4B applied (with modifications) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), 25(2)(3)

5 Recognition and enforcement of maintenance orders.

- (1) The function of transmitting to the appropriate court an application under Article 31 [F50 of the 1968 Convention F51 . . .] for the recognition or enforcement in the United Kingdom of a maintenance order shall be discharged—
- F52 [(a) as respects England and Wales F53 . . . , by the Lord Chancellor; and
(b) as respects Scotland, by the Secretary of State] F54; and
(c) as respects Northern Ireland, by the Department of Justice in Northern Ireland.]

In this subsection “the appropriate court” means the magistrates’ court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article 32 [F55 but, if the appropriate court is a magistrates’ court in England and Wales, the Lord Chancellor is to transmit the application to the family court].

- (2) Such an application shall be determined in the first instance by the prescribed [F56 officer—
(a) of the family court if the application is transmitted to that court, or
(b) in any other case, of the court having jurisdiction in the matter].
- (3) Where on such an application the enforcement of the order is authorised to any extent, the order shall to that extent be registered in the prescribed manner in that court.
- (4) A maintenance order registered under this section shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been originally made by the registering court.
- (5) Subsection (4) is subject to Article 39 (restriction on enforcement where appeal pending or time for appeal unexpired), to section 7 and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under this section may be enforced.

F57 (5A)

F57 (5B)

F57 (5C)

- (6) A maintenance order which by virtue of this section is enforceable by a magistrates’ court in [F58 England and Wales or] Northern Ireland [F59 shall, subject to the modifications of Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981 specified in subsection (6A) below, be enforceable] F60 as an order made by that court to which that article applies].

[F61 (6A) Article 98 (enforcement of sums adjudged to be paid) shall have effect—

- (a) as if for paragraph (7)(a) there were substituted the following paragraph—
“(a) “if the court is of the opinion that it is appropriate—

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- (i) to make an attachment of earnings order; or
(ii) to exercise its power under paragraph (8C)(b);”
- (b) as if for paragraphs (8B) to (8D) there were substituted the following paragraphs—

“(8B) Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4) for the enforcement of an order to which this Article applies, the court or resident magistrate may vary the order by exercising one of the powers under paragraph (8C).

(8C) The powers mentioned in paragraph (8B) are—

- (a) the power to order that payments under the order be made directly to the collecting officer;
- (b) the power to order that payments under the order be made to the collecting officer by such method of payment falling within Article 85(7) (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under Part IX to secure payments under the order.

(8D) In deciding which of the powers under paragraph (8C) is to be exercised, the court or, as the case may be, a resident magistrate shall have regard to any representations made by the debtor (within the meaning of Article 85).

(8E) Paragraph (5) of Article 85 (power of court to require debtor to open account) shall apply for the purposes of paragraph (8C) as it applies for the purposes of that Article but as if for sub-paragraph (a) there were substituted—

“(a) the court proposes to exercise its power under sub-paragraph (b) of Article 98(8C), and””]

- (7) The payer under a maintenance order registered under this section in a magistrates’ court in ^{F62}... Northern Ireland shall give notice of any change of address to the [^{F63}proper officer] of that court.

A person who without reasonable excuse fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F64}level 2 on the standard scale].

[^{F65}(8) In subsection (7) “proper officer” means—

^{F66}(a)

(b) in relation to a magistrates’ court in Northern Ireland, the clerk of the court.]

Textual Amendments

F50 Words in s. 5(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, 5(3), [Sch. 2 para. 2](#) (with s. 4); S.I. 1992/745, [art. 2](#)

F51 Words in s. 5(1) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 6\(1\)](#) (with [reg. 48](#))

F52 S. 5(1)(a)(b) substituted (1.4.1992) by S.I. 1992/709, [art. 4\(7\)](#) (with [art. 5\(2\)](#))

F53 Words in s. 5(1)(a) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 18 para. 29\(a\)](#) (with [arts. 28-31](#))

Status: Point in time view as at 12/05/2016.

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- F54** S. 5(1)(c) and preceding word inserted (12.4.2010) by **The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)**, **Sch. 18 para. 29(b)** (with arts. 28-31)
- F55** Words in s. 5(1) inserted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 86(2)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F56** Words in s. 5(2) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 86(3)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F57** S. 5(5A)-(5C) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 86(4)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F58** Words repealed (E.W.) by **Family Law Reform Act 1987 (c. 42, SIF 49:7)**, s. 33, Sch. 2 para. 89(3), Sch. 3 paras. 1, 6
- F59** Words in s. 5(6) substituted (N.I.) (4.11.1996) by S.I. 1993/1576 (N.I. 6), arts. 1(3), 11, **Sch. 1 para. 16(a)**; S.R. 1996/454, art. 3
- F60** Words in s. 5(6) substituted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 116**; S.R. 1996/297, art. 2(2)
- F61** S. 5(6A) inserted (N.I.) (4.11.1996) by S.I. 1993/1576 (N.I. 6), arts. 1(3), 11, **Sch. 1 para. 16(b)**; S.R. 1996/454, art. 3
- F62** Words in s. 5(7) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 86(5)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F63** Words in s. 5(7) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 122(1)(3)**; S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F64** Words substituted: (E.W.) by virtue of **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, s. 46; (S.) by **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)**, s. 289G; and (N.I.) by S.I. 1984/703 (N.I. 3), arts. 5, 6
- F65** S. 5(8) inserted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 122(1)(4)**; S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F66** S. 5(8)(a) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 86(6)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C4** S. 5 applied (with modifications) (1.4.1993) by S.I. 1993/604, art. 3.
- C5** S. 5(1): functions of the Secretary of State as respects England and Wales transferred (1.4.1992) to the Lord Chancellor by S.I. 1992/709, art. 4(6)(a)(b) (with art. 5(2))

[^{F67}5A Recognition and enforcement of maintenance orders under the Lugano Convention

- (1) The Secretary of State's function (under Article 39 and Annex II of the Lugano Convention) of transmitting to the appropriate court an application for the recognition or enforcement in the United Kingdom of a maintenance order (made under Article 38 of the Lugano Convention) shall be discharged—
- as respects England and Wales^{F68} . . . , by the Lord Chancellor; and
 - as respects Scotland, by the Scottish Ministers [^{F69}]; and
 - as respects Northern Ireland, by the Department of Justice in Northern Ireland].

In this subsection “the appropriate court” means the magistrates' court or sheriff court having jurisdiction in the matter in accordance with the second paragraph of Article

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39 [^{F70}but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court].

(2) Such an application shall be determined in the first instance by the prescribed [^{F71}officer—

- (a) of the family court if the application is transmitted to that court, or
- (b) in any other case, of]

the court having jurisdiction in the matter.

(3) A maintenance order registered under the Lugano Convention shall, for the purposes of its enforcement, be of the same force and effect, the registering court shall have in relation to its enforcement the same powers, and proceedings for or with respect to its enforcement may be taken, as if the order had been made by the registering court.

(4) Subsection (3) is subject to Article 47 of the Lugano Convention (restriction on enforcement where appeal pending or time for appeal unexpired), to subsection (6) and to any provision made by rules of court as to the manner in which and conditions subject to which an order registered under the Lugano Convention may be enforced.

^{F72}(5)

In this subsection “magistrates' court maintenance order” has the same meaning as in section 150(1) of the Magistrates' Courts Act 1980.

(6) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates' court in Northern Ireland shall, subject to the modifications of Article 98 of the Magistrates' Courts (Northern Ireland) Order 1981 specified in section 5(6A) of this Act, be enforceable as an order made by that court to which that Article applies.

(7) The payer under a maintenance order registered under the Lugano Convention in a magistrates' court in ^{F73}... Northern Ireland shall give notice of any change of address to the proper officer of that court.

(8) A person who without reasonable excuse fails to comply with subsection (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) In subsection (7) “proper officer” means—

- ^{F74}(a)
- (b) in relation to a magistrates' court in Northern Ireland, the clerk of the court.]

Textual Amendments

F67 S. 5A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 6\(2\)](#) (with [reg. 48](#))

F68 Words in s. 5A(1)(a) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 18 para. 30\(a\)](#) (with arts. 28-31)

F69 S. 5A(1)(c) and preceding word inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 18 para. 30\(b\)](#) (with arts. 28-31)

F70 Words in s. 5A(1) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(7\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F71 Words in s. 5A(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(8\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Status: Point in time view as at 12/05/2016.

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- F72** S. 5A(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(9\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F73** Words in s. 5A(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(10\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F74** S. 5A(9)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(11\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C6** S. 5A applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 47\(2\)-\(4\)](#) (with reg. 48)

6 Appeals under Article 37, second paragraph and Article 41.

- (1) The single further appeal on a point of law referred to [^{F75}in the 1968 Convention . . .] in Article 37, second paragraph and Article 41 in relation to the recognition or enforcement of a judgment other than a maintenance order lies—
- (a) in England and Wales or Northern Ireland, to the Court of Appeal or to the [^{F77}Supreme Court] in accordance with Part II of the ^{M4}Administration of Justice Act 1969 (appeals direct from the High Court to the [^{F77}Supreme Court]);
- (b) in Scotland, to the Inner House of the Court of Session.
- (2) Paragraph (a) of subsection (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to [^{F78}the Supreme Court] in cases where no appeal to [^{F78}the Supreme Court] lies from a decision of the Court of Appeal).
- (3) The single further appeal on a point of law referred to [^{F79}in [^{F80}the 1968 Convention]] in Article 37, second paragraph and Article 41 in relation to the recognition or enforcement of a maintenance order lies—
- ^{F81}(a)
- (b) in Scotland, to the Inner House of the Court of Session;
- (c) in Northern Ireland, to the Court of Appeal.

Textual Amendments

- F75** Words in s. 6(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, [Sch. 2 para 3\(a\)](#) (with s. 4); S.I. 1992/745, [art.2](#)
- F76** Words in s. 6(1) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 7\(1\)](#) (with reg. 48)
- F77** Words in s. 6(1)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148(1), [Sch. 9 para. 39\(a\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F78** Words in s. 6(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148(1), [Sch. 9 para. 39\(b\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F79** Words in s. 6(3) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, [Sch. 2 para. 3\(b\)](#) (with s. 4); S.I. 1992/745, [art.2](#)
- F80** Words in s. 6(3) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 7\(2\)](#) (with reg. 48)

Status: Point in time view as at 12/05/2016.

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F81 S. 6(3)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(12\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

C7 S. 6(1)(2) applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), [art. 2\(1\)](#).

C8 S. 6(3) applied (1.4.1993) by [S.I. 1993/604](#), [art. 3\(1\)](#).

Marginal Citations

M4 [1969 c. 58](#).

[^{F82}**6A Appeals under Article 44 and Annex IV of the Lugano Convention**

- (1) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a judgment other than a maintenance order lies—
 - (a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);
 - (b) in Scotland, to the Inner House of the Court of Session.
- (2) Paragraph (a) of subsection (1) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that House lies from a decision of the Court of Appeal).
- (3) The single further appeal on a point of law referred to in Article 44 and Annex IV of the Lugano Convention in relation to the recognition or enforcement of a maintenance order lies—
 - ^{F83}(a)
 - (b) in Scotland, to the Inner House of the Court of Session;
 - (c) in Northern Ireland, to the Court of Appeal.]

Textual Amendments

F82 S. 6A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 7\(3\)](#) (with [reg. 48](#))

F83 S. 6A(3)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(12\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

C9 S. 6A applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 47\(2\)-\(4\)](#) (with [reg. 48](#))

[^{F84}**6B. Appeals in relation to registration of judgments under the 2005 Hague Convention**

- (1) A decision on the application for registration of a judgment required to be recognised and enforced under the 2005 Hague Convention may be appealed against by either party.

Status: Point in time view as at 12/05/2016.

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- (2) The appeal referred to in subsection (1) lies—
 - (a) in England and Wales or Northern Ireland, to the High Court;
 - (b) in Scotland, to the Court of Session.
- (3) The court to which an appeal referred to in subsection (1) is brought must refuse or revoke registration only if—
 - (a) the condition for recognition in Article 8(3) of the 2005 Hague Convention is not met;
 - (b) the ground for postponement or refusal of recognition in Article 8(4) of the 2005 Hague Convention applies; or
 - (c) one or more of the grounds specified in Article 9 of the 2005 Hague Convention apply.
- (4) A single further appeal on a point of law against the judgment given on the appeal referred to in subsection (1) lies—
 - (a) in England and Wales or Northern Ireland, to the Court of Appeal or to the Supreme Court in accordance with Part II of the Administration of Justice Act 1969 (appeals direct from the High Court to the Supreme Court);
 - (b) in Scotland, to the Inner House of the Court of Session.
- (5) Paragraph (a) of subsection (4) has effect notwithstanding section 15(2) of the Administration of Justice Act 1969 (exclusion of direct appeal to the Supreme Court in cases where no appeal to that Court lies from a decision of the Court of Appeal).]

Textual Amendments

F84 S. 6B inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **5**

Modifications etc. (not altering text)

C10 S. 6B applied (with modifications) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **25(2)**

7 Interest on registered judgments.

- (1) Subject to subsection (4), where in connection with an application for registration of a judgment under section [^{F85}4, 4A, [^{F86}4B,] 5 or 5A] the applicant shows—
 - (a) that the judgment provides for the payment of a sum of money; and
 - (b) that in accordance with the law of the Contracting State in which the judgment was given interest on that sum is recoverable under the judgment from a particular date or time,
the rate of interest and the date or time from which it is so recoverable shall be registered with the judgment and, subject to any provision made under subsection (2), the debt resulting, apart from section 4(2), from the registration of the judgment shall carry interest in accordance with the registered particulars.
- (2) Provision may be made by rules of court as to the manner in which and the periods by reference to which any interest payable by virtue of subsection (1) is to be calculated and paid, including provision for such interest to cease to accrue as from a prescribed date.

Status: Point in time view as at 12/05/2016.

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- (3) Costs or expenses recoverable by virtue of section 4(2) shall carry interest as if they were the subject of an order for the payment of costs or expenses made by the registering court on the date of registration.
- (4) Interest on arrears of sums payable under a maintenance order registered under section 5 in a magistrates' court in ^{F87}... Northern Ireland shall not be recoverable in that court, but without prejudice to the operation in relation to any such order of ^{F88}... section 11A of the ^{M5}Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (which [^{F89}enables] interest to be recovered if the order is re-registered for enforcement in the High Court).
- (5) Except as mentioned in subsection (4), debts under judgments registered under section [^{F90}4, 4A, [^{F91}4B,] 5 or 5A] shall carry interest only as provided by this section.

Textual Amendments

- F85** Words in s. 7(1) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 8](#) (with [reg. 48](#))
- F86** Word in s. 7(1) inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), [regs. 1\(1\), 6](#)
- F87** Words in s. 7(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(13\)\(a\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F88** Words in s. 7(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(13\)\(b\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F89** Word in s. 7(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 86\(13\)\(c\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F90** Words in s. 7(5) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 8](#) (with [reg. 48](#))
- F91** Word in s. 7(5) inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), [regs. 1\(1\), 6](#)

Modifications etc. (not altering text)

- C11** S. 7(1)-(3)(5) applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), [art. 2\(1\)](#).
S. 7(1)(2)(4)(5) applied (1.4.1993) by [S.I. 1993/604](#), [art. 3\(1\)](#).
- C12** S. 7 applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 47\(2\)-\(4\)](#) (with [reg. 48](#))
- C13** S. 7 applied (with modifications) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), [regs. 1\(1\), 25\(2\)](#)

Marginal Citations

- M5** [1966 c. 35 \(N.I.\)](#)

8 Currency of payment under registered maintenance orders.

- (1) Sums payable in the United Kingdom under a maintenance order by virtue of its registration under section 5 [^{F92}or 5A], including any arrears so payable, shall be paid in the currency of the United Kingdom.

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- (2) Where the order is expressed in any other currency, the amounts shall be converted on the basis of the exchange rate prevailing on the date of registration of the order.
- (3) For the purposes of this section, a written certificate purporting to be signed by an officer of any bank in the United Kingdom and stating the exchange rate prevailing on a specified date shall be evidence, and in Scotland sufficient evidence, of the facts stated.

Textual Amendments

F92 Words in s. 8(1) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 9](#) (with [reg. 48](#))

Modifications etc. (not altering text)

C14 S. 8 applied (1.4.1993) by [S.I. 1993/604](#), [art. 3\(1\)](#).

C15 S. 8 applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 47\(2\)-\(4\)](#) (with [reg. 48](#))

Other supplementary provisions

9 Provisions supplementary to Title VII of 1968 Convention.

- (1) The provisions of Title VII of the 1968 Convention and, apart from [^{F93}Article 64], of Title VII of the Lugano Convention [^{F94}and Article 26 of the 2005 Hague Convention] (relationship between [^{F95}the Convention in question] and other conventions to which Contracting States are or may become parties) shall have effect in relation to—
 - (a) any statutory provision, whenever passed or made, implementing any such other convention in the United Kingdom; and
 - (b) any rule of law so far as it has the effect of so implementing any such other convention,as they have effect in relation to that other convention itself.

^{F96}(1A)

^{F97}(2)

Textual Amendments

F93 Words in s. 9(1) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 10\(1\)](#) (with [reg. 48](#))

F94 Words in s. 9 inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), [regs. 1\(1\), 7](#)

F95 Words in s. 9(1) substituted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), [s. 3](#), [Sch. 2 para. 4\(b\)](#) (with [s. 4](#)); [S.I. 1992/745](#), [art. 2](#)

F96 S. 9(1A) omitted (25.1.2002) by virtue of [S.I. 2001/3929](#), [arts. 1\(b\), 4](#), [Sch. 2 para. 2](#)

F97 S. 9(2) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 10\(2\)](#) (with [reg. 48](#))

Status: Point in time view as at 12/05/2016.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Part I is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

10 Allocation within U.K. of jurisdiction with respect to trusts and consumer contracts.

- (1) The provisions of this section have effect for the purpose of allocating within the United Kingdom jurisdiction in certain proceedings in respect of which the 1968 Convention [^{F98}or the Lugano Convention] confers jurisdiction on the courts of the United Kingdom generally and to which section 16 does not apply.
- (2) Any proceedings which by virtue of Article 5(6) (trusts) are brought in the United Kingdom shall be brought in the courts of the part of the United Kingdom in which the trust is domiciled.
- (3) Any proceedings which by virtue of the first paragraph of Article 14 [^{F99}of the 1968 Convention or Article 16(1) of the Lugano Convention] (consumer contracts) are brought in the United Kingdom by a consumer on the ground that he is himself domiciled there shall be brought in the courts of the part of the United Kingdom in which he is domiciled.

Textual Amendments

- F98** Words in s. 10(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45: 3\)](#), s. 3, [Sch. 2 para 5](#) (with s. 4); [S.I. 1992/745](#), [art. 2](#)
- F99** Words in s. 10(3) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 11](#) (with [reg. 48](#))

11 Proof and admissibility of certain judgments and related documents.

- (1) For the purposes of the 1968 Convention ^{F100}. . . —
 - (a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a Contracting State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
 - (b) the original or a copy of any such document as is mentioned in Article 46(2) or 47 (supporting documents to be produced by a party seeking recognition or enforcement of a judgment) shall be evidence, and in Scotland sufficient evidence, of any matter to which it relates.
- (2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
 - (a) to bear the seal of that court; or
 - (b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court.
- (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.

Textual Amendments

- F100** Words in s. 11(1) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 12\(1\)](#) (with [reg. 48](#))

Status: Point in time view as at 12/05/2016.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Part 1 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C16 S. 11 applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), **art. 4**.

[^{F101}11A Proof and admissibility of certain judgments and related documents for the purposes of the Lugano Convention

- (1) For the purposes of the Lugano Convention—
 - (a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a State bound by the Lugano Convention other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
 - (b) a certificate obtained in accordance with Article 54 and Annex V shall be evidence, and in Scotland sufficient evidence, that the judgment is enforceable in the State of origin which is bound by the Lugano Convention.
- (2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
 - (a) to bear the seal of that court; or
 - (b) to be certified by any person in his capacity as a judge or officer of that court to be a true copy of a judgment given by that court.
- (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.]

Textual Amendments

F101 S. 11A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), **reg. 12(2)** (with [reg. 48](#))

Modifications etc. (not altering text)

C17 S. 11A applied (with modifications) (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), **reg. 47(5)(6)** (with [reg. 48](#))

[^{F102}11B. Proof and admissibility of certain judgments and related documents for the purposes of the 2005 Hague Convention

- (1) For the purposes of the 2005 Hague Convention—
 - (a) a document, duly authenticated, which purports to be a copy of a judgment given by a court of a 2005 Hague Convention State other than the United Kingdom shall without further proof be deemed to be a true copy, unless the contrary is shown; and
 - (b) a certificate issued by the court of the 2005 Hague Convention State of origin, in the form recommended for use under the 2005 Hague Convention and published by the Hague Conference on Private International Law, as referred to in Article 13(3) of the 2005 Hague Convention, shall be evidence, and in Scotland sufficient evidence, as to whether the judgment has effect or is enforceable in the 2005 Hague Convention State of origin.

Status: Point in time view as at 12/05/2016.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Part I is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) A document purporting to be a copy of a judgment given by any such court as is mentioned in subsection (1)(a) is duly authenticated for the purposes of this section if it purports—
- (a) to bear the seal of that court; or
 - (b) to be certified by any person in their capacity as judge or officer of that court to be a true copy of a judgment given by that court.
- (3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.]

Textual Amendments

F102 S. 11B inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **8**

Modifications etc. (not altering text)

C18 S. 11B applied (with modifications) (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **25(2)**

12 Provision for issue of copies of, and certificates in connection with, U.K. judgments.

Rules of court may make provision for enabling any interested party wishing to secure under the 1968 Convention^{F103}, the Lugano Convention or the 2005 Hague Convention] the recognition or enforcement in another Contracting State of a judgment given by a court in the United Kingdom to obtain, subject to any conditions specified in the rules—

- (a) a copy of the judgment; and
- (b) a certificate giving particulars relating to the judgment and the proceedings in which it was given.

Textual Amendments

F103 Words in s. 12 substituted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **9**

Modifications etc. (not altering text)

C19 S. 12 applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), **art. 5**.

13 Modifications to cover authentic instruments and court settlements.

- (1) Her Majesty may by Order in Council provide that—
- (a) any provision of this Act relating to the recognition or enforcement in the United Kingdom or elsewhere of judgments to which the 1968 Convention^{F104} . . . applies; and
 - (b) any other statutory provision, whenever passed or made, so relating, shall apply, with such modifications as may be specified in the Order, in relation to documents and settlements within Title IV of the 1968 Convention^{F104} . . . (authentic

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instruments and court settlements enforceable in the same manner as judgments) as if they were judgments to which [F105the Convention in question] applies.

- (2) An Order in Council under this section may make different provision in relation to different descriptions of documents and settlements.
- (3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F104 Words in s. 13(1) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 13](#) (with [reg. 48](#))

F105 Words in s. 13(1) substituted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, [Sch. 2 para. 8\(c\)](#) (with s. 4); S.I. 1992/745, [art.2](#)

14 Modifications consequential on revision of the Conventions.

- (1) If at any time it appears to Her Majesty in Council that Her Majesty’s Government in the United Kingdom have agreed to a revision of [F106[F107. . . any of the Brussels Conventions], including in particular any revision connected with the accession to [F106. . . the 1968 Convention of one or more further states, Her Majesty may by Order in Council make such modifications of this Act or any other statutory provision, whenever passed or made, as Her Majesty considers appropriate in consequence of the revision.
- (2) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) In this section “revision” means an omission from, addition to or alteration of any of the Conventions and includes replacement of [F106[F107. . . any of the Brussels Conventions] to any extent by another convention, protocol or other description of international agreement.

Textual Amendments

F106 Words in s. 14(1)(3) omitted (1.1.2010) by virtue of [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 14](#) (with [reg. 48](#))

F107 Words in s. 14(1)(3) substituted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, [Sch. 2 para. 9\(a\)](#) (with s. 4); S.I. 1992/745, [art.2](#)

15 Interpretation of Part I and consequential amendments.

- (1) In this Part, unless the context otherwise requires—
 - “judgment” has the meaning given by Article 25 [F108of the 1968 Convention or, as the case may be, Article 32 of the Lugano Convention][F109or Article 4(1) of the 2005 Hague Convention];
 - “maintenance order” means a maintenance judgment within the meaning of the 1968 Convention [F110or, as the case may be, the Lugano Convention];
 - “payer”, in relation to a maintenance order, means the person liable to make payments for which the order provides;

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“prescribed” means prescribed by rules of court.

- (2) References in this Part to a judgment registered under [F111]sections 4, 4A, [F112]4B,] 5 or 5A] include, to the extent of its registration, references to a judgment so registered to a limited extent only.
- (3) Anything authorised or required by the 1968 Convention [F113]the Lugano Convention] or this Part to be done by, to or before a particular magistrates’ court [F114]in Northern Ireland] may be done by, to or before any magistrates’ court acting [F115]for the same petty sessions district] as that court.
- ^{x1}(4) The enactments specified in Part I of Schedule 12 shall have effect with the amendments specified there, being amendments consequential on this Part.

Editorial Information

- X1** The text of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F108** Words in s. 15(1) inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), **reg. 15(1)** (with **reg. 48**)
- F109** Words in s. 15(1) inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **10(2)**
- F110** Words in s. 15(1) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, **Sch. 2 para. 10(a)** (with s. 4); S.I. 1992/745, **art.2**
- F111** Words in s. 15(2) substituted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), **reg. 15(2)** (with **reg. 48**)
- F112** Word in s. 15(2) inserted (1.10.2015) by [The Civil Jurisdiction and Judgments \(Hague Convention on Choice of Court Agreements 2005\) Regulations 2015 \(S.I. 2015/1644\)](#), regs. 1(1), **10(3)**
- F113** Words in s. 15(3) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, **Sch. 2 para. 10(b)** (with s. 4); S.I. 1992/745, **art.2**
- F114** Words in s. 15(3) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 86(14)(a)**; S.I. 2014/954, **art. 2(e)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F115** Words in s. 15(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 86(14)(b)**; S.I. 2014/954, **art. 2(e)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C20** S. 15(2)(3) applied (1.4.1993) by [S.I. 1993/604](#), **art. 6**.

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Changes to legislation:

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