



# 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;

[<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>“the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30th June 2005 at the Hague;]

[<sup>F5</sup>“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;]

[<sup>F6</sup>[<sup>F7</sup> “the Brussels Conventions” ] means the 1968 Convention, the 1971 Protocol, the Accession Convention, the 1982 Accession Convention [<sup>F8</sup>, the 1989 Accession Convention and the 1996 Accession Convention].]

[<sup>F9</sup>“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 30<sup>th</sup> October 2007 <sup>M1</sup>.]

[<sup>F10</sup>“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;]

[<sup>F11</sup>“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—

[<sup>F12</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>F13</sup>, the 1989 Accession Convention and the 1996 Accession Convention]; and]

(aa) <sup>F14</sup> .....

[<sup>F15</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>F16</sup>(3) In this Act—

[<sup>F17</sup>“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;]

[<sup>F18</sup>“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;<sup>F19</sup> ...
  - (b) in the application of the provision in relation to the Lugano Convention, a [<sup>F20</sup>State bound by the Lugano Convention]; [<sup>F21</sup>and]
  - (c) [<sup>F22</sup>in the application of the provision in relation to the 2005 Hague Convention, a 2005 Hague Convention State;]  
[<sup>F23</sup>“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 [<sup>F24</sup>Articles 349 and 355 of the Treaty on the Functioning of the European Union];]
  - [<sup>F25</sup>“Maintenance Regulation State”, in any provision, in the application of that provision in relation to the Maintenance Regulation means a Member State;]
  - [<sup>F26</sup>“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]
  - [<sup>F27</sup>“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 [<sup>F28</sup>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 [<sup>F29</sup>Article 64] of the Lugano Convention (which determines the relationship between the Brussels Conventions and the Lugano Convention);<sup>F30</sup> ...
  - (b) in accordance with Article 68 of the Regulation (which determines the relationship between the Brussels Conventions and the Regulation) [<sup>F31</sup>; and]
  - [<sup>F32</sup>(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),
- [ F39(f) 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 <sup>M2</sup>reports by Mr. P. Jenard on the 1968 Convention and the 1971 Protocol; and
  - (b) the <sup>M3</sup>report by Professor Peter Schlosser on the Accession Convention [<sup>F42</sup>; and
  - (c) the report by Professor Demetrios I. Evrigenis and Professor K. D. Kerameus on the 1982 Accession Convention][<sup>F43</sup>; 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 [<sup>F41</sup>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.

<sup>F44</sup> .....

#### 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.

<sup>F45</sup> .....

#### 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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