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Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART I

IMPLEMENTATION OF THE CONVENTIONS

Other supplementary provisions

9 Provisions supplementary to Title VII of 1968 Convention.

- (1) The provisions of Title VII of the 1968 Convention (relationship between that convention 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.
- (2) Her Majesty may by Order in Council declare a provision of a convention entered into by the United Kingdom to be a provision whereby the United Kingdom assumed an obligation of a kind provided for in Article 59 (which allows a Contracting State to agree with a third State to withhold recognition in certain cases from a judgment given by a court in another Contracting State which took jurisdiction on one of the grounds mentioned in the second paragraph of Article 3).

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 confers jurisdiction on the courts of the United Kingdom generally and to which section 16 does not apply.

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- (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 (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.

11 Proof and admissibility of certain judgments and related documents.

- (1) For the purposes of the 1968 Convention—
 - (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.

VALID FROM 01/01/2010

^{F1}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.

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(3) Nothing in this section shall prejudice the admission in evidence of any document which is admissible apart from this section.]

Textual Amendments

F1 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)

C1 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](#))

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 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.

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 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 (authentic instruments and court settlements enforceable in the same manner as judgments) as if they were judgments to which that Convention 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.

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 any of the Conventions, including in particular any revision connected with the accession to 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.

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- (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 any of the Conventions to any extent by another convention, protocol or other description of international agreement.

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;
 - “maintenance order” means a maintenance judgment within the meaning of the 1968 Convention;
 - “payer”, in relation to a maintenance order, means the person liable to make payments for which the order provides;
 - “prescribed” means prescribed by rules of court.
- (2) References in this Part to a judgment registered under section 4 or 5 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 or this Part to be done by, to or before a particular magistrates’ court may be done by, to or before any magistrates’ court acting for the same petty sessions area (or, in Northern Ireland, petty sessions district) as that court.
- (4) The enactments specified in Part I of Schedule 12 shall have effect with the amendments specified there, being amendments consequential on this Part.

Modifications etc. (not altering text)

- C2** 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.

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