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# Civil Jurisdiction and Judgments Act 1982

## 1982 CHAPTER 27

### PART I

#### IMPLEMENTATION OF THE CONVENTIONS

##### *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 [<sup>F1</sup>of the 1968 Convention or of the Lugano Convention] 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.

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#### Textual Amendments

**F1** 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](#)

#### Modifications etc. (not altering text)

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

VALID FROM 01/01/2010

### [<sup>F2</sup>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 in which and conditions subject to which a judgment registered under the Lugano Convention may be enforced.]

#### Textual Amendments

**F2** [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](#))

## 5 Recognition and enforcement of maintenance orders.

- (1) The function of transmitting to the appropriate court an application under Article 31 [<sup>F3</sup>of the 1968Convention or of the Lugano Convention] for the recognition or enforcement in the United Kingdom of a maintenance order shall be discharged—
  - [<sup>F4</sup>(a) as respects England and Wales and Northern Ireland, by the Lord Chancellor; and
  - (b) as respects Scotland, by the Secretary of State.]

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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.

- (2) Such an application shall be determined in the first instance by the prescribed officer of that court.
- (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.

[<sup>F5</sup>(5A) A maintenance order which by virtue of this section is enforceable by a magistrates’ court in England and Wales [<sup>F6</sup>shall, subject to the modifications of sections 76 and 93 of the Magistrates’ Courts Act 1980 specified in subsections (5B) and (5C) below, be enforceable] in the same manner as a magistrates’ court maintenance order made by that court.

In this subsection “magistrates’ court maintenance order” has the same meaning as in section 150(1) of the <sup>M1</sup>Magistrates’ Courts Act 1980.]

[<sup>F7</sup>(5B) Section 76 (enforcement of sums adjudged to be paid) shall have effect as if for subsections (4) to (6) there were substituted the following subsections—

“(4) Where proceedings are brought for the enforcement of a magistrates’ court maintenance order under this section, the court may vary the order by exercising one of its powers under subsection (5) below.

(5) The powers of the court are—

- (a) the power to order that payments under the order be made directly to the clerk of the court or the clerk of any other magistrates’ court;
- (b) the power to order that payments under the order be made to the clerk of the court, or to the clerk of any other magistrates’ court, by such method of payment falling within section 59(6) above (standing order, etc.) as may be specified;
- (c) the power to make an attachment of earnings order under the <sup>M2</sup>Attachment of Earnings Act 1971 to secure payments under the order.

(6) In deciding which of the powers under subsection (5) above it is to exercise, the court shall have regard to any representations made by the debtor (within the meaning of section 59 above).

(7) Subsection (4) of section 59 above (power of court to require debtor to open account) shall apply for the purposes of subsection (5) above as it applies for the purposes of that section but as if for paragraph (a) there were substituted—

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“(a) the court proposes to exercise its power under paragraph (b) of section 76(5) below, and”

(5C) In section 93 (complaint for arrears), subsection (6) (court not to impose imprisonment in certain circumstances) shall have effect as if for paragraph (b) there were substituted—

“(b) if the court is of the opinion that it is appropriate—  
(i) to make an attachment of earnings order; or  
(ii) to exercise its power under paragraph (b) of section 76(5) above.”]

(6) A maintenance order which by virtue of this section is enforceable by a magistrates’ court in [<sup>F8</sup>England and Wales or] Northern Ireland shall be enforceable in the same manner as an affiliation order made by that court.

(7) The payer under a maintenance order registered under this section in a magistrates’ court in England and Wales or Northern Ireland shall give notice of any change of address to the clerk 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 [<sup>F9</sup>level 2 on the standard scale].

#### Textual Amendments

- F3** 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**
- F4** S. 5(1)(a)(b) substituted (1.4.1992) by S.I. 1992/709, **art. 4(7)** (with art. 5(2))
- F5** S. 5(5A) inserted (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33, Sch. 2 para. 89(2), Sch. 3 paras. 1, **6**
- F6** Words in s. 5(5A) substituted (E.W.) (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17), s. 10, **Sch. 1 para. 21(1)**; S.I. 1992/455, **art. 2**
- F7** S. 5(5B)(5C) inserted (E.W.) (1.4.1992) by Maintenance Enforcement Act 1991 (c. 17), s. 10, **Sch. 1 para. 21** (2); S.I. 1992/455, **art. 2**
- F8** 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**
- F9** 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**

#### Modifications etc. (not altering text)

- C3** S. 5 applied (with modifications) (1.4.1993) by S.I. 1993/604, **art. 3**
- C4** 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))

#### Marginal Citations

- M1** 1980 c.43  
**M2** 1971 c. 32.

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VALID FROM 01/01/2010

## **[<sup>F10</sup>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—
  - (a) as respects England and Wales and Northern Ireland, by the Lord Chancellor; and
  - (b) as respects Scotland, by the Scottish Ministers.

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 39.

- (2) Such an application shall be determined in the first instance by the prescribed officer 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.
- (5) A maintenance order which by virtue of the Lugano Convention is enforceable by a magistrates' court in England and Wales shall, subject to the modifications of sections 76 and 93 of the Magistrates' Courts Act 1980 specified in sections 5(5B) and 5(5C) of the Act, be enforceable in the same manner as a magistrates' court maintenance order made by that court.

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 England and Wales or 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—

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- (a) in relation to a magistrates' court in England and Wales, the designated officer; and
- (b) in relation to a magistrates' court in Northern Ireland, the clerk of the court.]

#### Textual Amendments

**F10** S. 5A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 6\(2\)](#) (with [reg. 48](#))

#### Modifications etc. (not altering text)

**C5** 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 [<sup>F11</sup>in the 1968 Convention and the Lugano 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 House of Lords in accordance with Part II of the <sup>M3</sup>Administration of Justice Act 1969 (appeals direct from the High Court to the House of Lords);
  - (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 House of Lords 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 [<sup>F12</sup>in each of those Conventions] in Article 37, second paragraph and Article 41 in relation to the recognition or enforcement of a maintenance order lies—
  - (a) in England and Wales, to the High Court by way of case stated in accordance with section 111 of the <sup>M4</sup>Magistrates' Courts Act 1980;
  - (b) in Scotland, to the Inner House of the Court of Session;
  - (c) in Northern Ireland, to the Court of Appeal.

#### Textual Amendments

**F11** 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](#)

**F12** 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](#)

#### Modifications etc. (not altering text)

**C6** S. 6(1)(2) applied (with modifications) (1.4.1993) by [S.I. 1993/604](#), [art. 2\(1\)](#).

**C7** S. 6(3) applied (1.4.1993) by [S.I. 1993/604](#), [art. 3\(1\)](#).

#### Marginal Citations

**M3** 1969 c. 58.

**M4** 1980 c. 43.

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### [<sup>F13</sup>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—
  - (a) in England and Wales, to a county court in accordance with section 111A of the Magistrates' Courts Act 1980;
  - (b) in Scotland, to the Inner House of the Court of Session;
  - (c) in Northern Ireland, to the Court of Appeal.]

#### Textual Amendments

**F13** S. 6A inserted (1.1.2010) by [The Civil Jurisdiction and Judgments Regulations 2009 \(S.I. 2009/3131\)](#), [reg. 7\(3\)](#) (with [reg. 48](#))

#### Modifications etc. (not altering text)

**C8** 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](#))

## 7 Interest on registered judgments.

- (1) Subject to subsection (4), where in connection with an application for registration of a judgment under section 4 or 5 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



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and paid, including provision for such interest to cease to accrue as from a prescribed date.

- (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 England and Wales or Northern Ireland shall not be recoverable in that court, but without prejudice to the operation in relation to any such order of section 2A of the <sup>M5</sup>Maintenance Orders Act 1958 or section 11A of the <sup>M6</sup>Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (which enable 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 4 or 5 shall carry interest only as provided by this section.

**Modifications etc. (not altering text)**

- C9** 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\(1\)](#).

**Marginal Citations**

- M5** 1958 c. 39.  
**M6** 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, including any arrears so payable, shall be paid in the currency of the United Kingdom.
- (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.

**Modifications etc. (not altering text)**

- C10** S. 8 applied (1.4.1993) by [S.I. 1993/604, art. 3\(1\)](#).



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