



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART II

JURISDICTION, AND RECOGNITION AND ENFORCEMENT OF JUDGMENTS, WITHIN UNITED KINGDOM

16 Allocation within U.K. of jurisdiction in certain civil proceedings.

(1) The provisions set out in Schedule 4 (which contains a modified version of [F¹Chapter II of the Regulation]) shall have effect for determining, for each part of the United Kingdom, whether the courts of law of that part, or any particular court of law in that part, have or has jurisdiction in proceedings where—

- [F²(a) the subject-matter of the proceedings is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation has effect in relation to the proceedings); and]
- (b) the defendant or defender is domiciled in the United Kingdom or the proceedings are of a kind mentioned in [F³Article 22 of the Regulation] (exclusive jurisdiction regardless of domicile).

[F⁴(2)

(3) In determining any question as to the meaning or effect of any provision contained in Schedule 4—

- (a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the 1968 Convention [F⁵or Chapter II of the Regulation] and to any relevant decision of that court as to the meaning or effect of any provision of that Title [F⁶or that Chapter]; and
- (b) without prejudice to the generality of paragraph (a), the reports mentioned in section 3(3) may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.

(4) The provisions of this section and Schedule 4 shall have effect subject to [F⁷the Regulation,] the 1968 Convention [F⁸and the Lugano Convention] and to the provisions of section 17.

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^{XI}(5) In section 15(1)(a) of the ^{M1}Maintenance Orders Act 1950 (domestic proceedings in which initial process may be served in another part of the United Kingdom), after subparagraph (v) there shall be added—

“(vi) Article 5(2) of Schedule 4 to the Civil Jurisdiction and Judgments Act 1982 ; or”.

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of ss. 15(4), 16(5), 23(2), 35(2)(3), 36(6), 37(2), 38, 40(3), 54, Schs. 10–12 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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

- F1** Words in s. 16(1) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(i)** (with transitional provisions in art. 6)
- F2** S. 16(1)(a) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(ii)** (with transitional provisions in art. 6)
- F3** Words in s. 16(1)(b) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(iii)** (with transitional provisions in art. 6)
- F4** S. 16(2) omitted (1.3.2002) by virtue of S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(b)** (with transitional provisions in art. 6)
- F5** Words in s. 16(3)(a) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(c)(i)** (with transitional provisions in art. 6)
- F6** Words in s. 16(3)(a) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(c)(ii)** (with transitional provisions in art. 6)
- F7** Words in s. 16(4) inserted (25.1.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(d)** (with transitional provisions in art. 6)
- F8** Words in s. 16(4) inserted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 3, **Sch. 2 para. 11(c)** (with s. 4); S.I. 1992/745, **art. 2**

Marginal Citations

M1 1950 c. 37.

17 Exclusion of certain proceedings from Schedule 4.

- (1) Schedule 4 shall not apply to proceedings of any description listed in Schedule 5 or to proceedings in Scotland under any enactment which confers jurisdiction on a Scottish court in respect of a specific subject-matter on specific grounds.
- (2) Her Majesty may by Order in Council—
 - (a) add to the list in Schedule 5 any description of proceedings in any part of the United Kingdom; and
 - (b) remove from that list any description of proceedings in any part of the United Kingdom (whether included in the list as originally enacted or added by virtue of this subsection).
- (3) An Order in Council under subsection (2)—
 - (a) may make different provisions for different descriptions of proceedings, for the same description of proceedings in different courts or for different parts of the United Kingdom; and

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- (b) may contain such transitional and other incidental provisions as appear to Her Majesty to be appropriate.
- (4) An Order in Council under subsection (2) 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.

Modifications etc. (not altering text)

C1 S. 17(1) excluded (1.10.2008) by The Housing (Scotland) Act 2006 (Consequential Provisions) Order 2008 (S.I. 2008/1889), art. 4(4)

18 Enforcement of U.K. judgments in other parts of U.K.

- (1) In relation to any judgment to which this section applies—
- Schedule 6 shall have effect for the purpose of enabling any money provisions contained in the judgment to be enforced in a part of the United Kingdom other than the part in which the judgment was given; and
 - Schedule 7 shall have effect for the purpose of enabling any non-money provisions so contained to be so enforced.
- (2) In this section “judgment” means any of the following (references to the giving of a judgment being construed accordingly)—
- any judgment or order (by whatever name called) given or made by a court of law in the United Kingdom;
 - any judgment or order not within paragraph (a) which has been entered in England and Wales or Northern Ireland in the High Court or a county court;
 - any document which in Scotland has been registered for execution in the Books of Council and Session or in the sheriff court books kept for any sheriffdom;
 - any award or order made by a tribunal in any part of the United Kingdom which is enforceable in that part without an order of a court of law;
 - an arbitration award which has become enforceable in the part of the United Kingdom in which it was given in the same manner as a judgment given by a court of law in that part;
 - ^{F9}(f) an order made, or a warrant issued, under Part 8 of the Proceeds of Crime Act 2002 for the purposes of a civil recovery investigation [^{F10}or a detained cash investigation] within the [^{F11}meanings] given by section 341 of that Act;
- and, subject to the following provisions of this section, this section applies to all such judgments.
- (3) Subject to subsection (4), this section does not apply to—
- a judgment given in proceedings in a magistrates’ court in England and Wales or Northern Ireland;
 - a judgment given in proceedings other than civil proceedings;
 - ^{F12}(ba) a judgment given in the exercise of jurisdiction in relation to insolvency law, within the meaning of section [^{F13}426 of the Insolvency Act 1986];
 - a judgment given in proceedings relating to—
 - ^{F14}(i)
 - (ii)
 - (iii) the obtaining of title to administer the estate of a deceased person.

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- [^{F15}(d) an order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002 (confiscation).]
- (4) This section applies, whatever the nature of the proceedings in which it is made, to—
- (a) a decree issued under section 13 of the ^{M2}Court of Exchequer (Scotland) Act 1856 (recovery of certain rent-charges and penalties by process of the Court of Session);
 - (b) an order which is enforceable in the same manner as a judgment of the High Court in England and Wales by virtue of section 16 of the ^{M3}Contempt of Court Act 1981 or section 140 of the ^{M4}Supreme Court Act 1981 (which relate to fines for contempt of court and forfeiture of recognisances).
- [^{F16}(4A) This section does not apply as respects—
- (a) the enforcement in Scotland of orders made by the High Court or a county court in England and Wales under or for the purposes of Part VI of the Criminal Justice Act 1988 or the Drug Trafficking Act 1994 (confiscation of the proceeds of certain offences or of drug trafficking); or
 - (b) the enforcement in England and Wales of orders made by the Court of Session under or for the purposes of [^{F17}the Proceeds of Crime (Scotland) Act 1995]]
- (5) This section does not apply to so much of any judgment as—
- (a) is an order to which section 16 of the ^{M5}Maintenance Orders Act 1950 applies (and is therefore an order for whose enforcement in another part of the United Kingdom provision is made by Part II of that Act);
 - (b) concerns the status or legal capacity of an individual;
 - (c) relates to the management of the affairs of a person not capable of managing his own affairs;
 - (d) is a provisional (including protective) measure other than an order for the making of an interim payment;
- and except where otherwise stated references to a judgment to which this section applies are to such a judgment exclusive of any such provisions.
- (6) The following are within subsection (5)(b), but without prejudice to the generality of that provision—
- (a) a decree of judicial separation or of separation;
- [^{F18}(b) any order which is a Part I order for the purposes of The Family Law Act 1986.]
- (7) This section does not apply to a judgment of a court outside the United Kingdom which falls to be treated for the purposes of its enforcement as a judgment of a court of law in the United Kingdom by virtue of registration under Part II of the ^{M6}Administration of Justice Act 1920, Part I of the ^{M7}Foreign Judgments (Reciprocal Enforcement) Act 1933, Part I of the ^{M8}Maintenance Orders (Reciprocal Enforcement) Act 1972 or section 4 or 5 of this Act.
- (8) A judgment to which this section applies, other than a judgment within paragraph (e) of subsection (2), shall not be enforced in another part of the United Kingdom except by way of registration under Schedule 6 or 7.

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Textual Amendments

- F9** S. 18(2)(f) inserted (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), [art. 34](#)
- F10** Words in s. 18(2)(f) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 77, 94, [Sch. 10 para. 26\(a\)](#); S.I. 2008/755, [art. 17\(1\)\(c\)\(d\)\(iv\)](#)
- F11** Word in s. 18(2)(f) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 77, 94, [Sch. 10 para. 26\(b\)](#); S.I. 2008/755, [art. 17\(1\)\(c\)\(d\)\(iv\)](#)
- F12** S. 18(3)(ba) added by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 8 para. 36](#)
- F13** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)
- F14** S. 18(c)(i)(ii) repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10 Pt. IV](#)
- F15** S. 18(3)(d) inserted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1), [Sch. 11 para. 11](#); S.I. 2003/333, [art. 2](#), [Sch.](#) (with arts. 10-13 (as amended by S.I. 2003/531, arts. 3, 4)); S.S.I. 2003/210, [art. 2](#), [Sch.](#) (with art. 7)
- F16** S. 18(4A) substituted (3.2.1995) by [1994 c. 37](#), ss. 65, 69(2), [Sch. 1 para. 6](#)
- F17** Words in s. 18(4A) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 42](#)
- F18** S. 18(6)(b) beginning “any order” substituted (14.10.1991) for s. 18(6)(b) beginning “any provision” by [Courts and Legal Services Act 1990 \(c. 41, SIF 76\)](#), ss. 116, 123(4), [Sch. 16 para. 41](#); S.I. 1991/1883, [art. 3 Sch.](#)

Modifications etc. (not altering text)

- C2** S. 18: power to exclude conferred (1.12.1993) (by adding [1991 c. 24](#), [Sch. 4 para. 19\(4\)](#)), by [1993 c. 36](#), [s. 46](#) (with [s. 78\(6\)](#)); S.I. 1993/2734, [art. 2](#), [Sch.](#)
S. 18: power to restrict conferred (E.W.) (3.2.1995) by [1994 c. 37](#), [S. 38\(4\)](#)
S. 18: power to exclude conferred (S.) (1.4.1996) by [1995 c. 43](#), [s. 39\(4\)](#)
S. 18: power to exclude conferred (N.I.) (25.8.1996) by S.I. 1996/1299 (N.I. 9), [art. 3\(3\)](#)
- C3** S. 18(7) extended (1.4.1993) by S.I. 1993/604, [art. 7](#).
S. 18(7) extended (1.3.2002) by S.I. 2001/3928, [art. 3](#)

Marginal Citations

- M2** 1856 c. 56.
M3 1981 c. 49.
M4 1981 c. 54.
M5 1950 c. 37.
M6 1920 c. 81.
M7 1933 c. 13.
M8 1972 c. 18.

19 Recognition of U.K. judgments in other parts of U.K.

- (1) A judgment to which this section applies given in one part of the United Kingdom shall not be refused recognition in another part of the United Kingdom solely on the ground that, in relation to that judgment, the court which gave it was not a court of competent jurisdiction according to the rules of private international law in force in that other part.
- (2) Subject to subsection (3), this section applies to any judgment to which section 18 applies.
- (3) This section does not apply to—
- the documents mentioned in paragraph (c) of the definition of “judgment” in section 18(2);

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- (b) the awards and orders mentioned in paragraphs (d) and (e) of that definition;
- (c) the decrees and orders referred to in section 18(4).

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