



# Civil Jurisdiction and Judgments Act 1982

## 1982 CHAPTER 27

### PART II

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

#### *[<sup>F1</sup>Jurisdiction in other civil proceedings]*

##### Textual Amendments

- F1** S. 16 cross-heading inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), 27 (with regs. 92-95) (as amended by [S.I. 2020/1493](#), regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

#### 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 [<sup>F2</sup>Chapter 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—

- [<sup>F3</sup>(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 [<sup>F4</sup>would have had effect before [<sup>F5</sup>IP completion day]] 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 [<sup>F6</sup>[<sup>F7</sup>Article 24] of the Regulation] (exclusive jurisdiction regardless of domicile).

[<sup>F8</sup>(1A) This section and Schedule 4 do not apply for the purposes of determining jurisdiction in proceedings in relation to which section 15B, 15C or 15D(2) applies, except as specified in those sections.]

<sup>F9</sup>(2) .....

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Cross Heading: Jurisdiction in other civil proceedings is up to date with all changes known to be in force on or before 18 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)*

- (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 [<sup>F10</sup>or 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 [<sup>F11</sup>or that Chapter]; and
  - (b) without prejudice to the generality of paragraph (a), [<sup>F12</sup>the expert reports relating to the 1968 Convention] may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.
- [<sup>F13</sup>(3A) The requirement in subsection (3)(a) applies only in relation to principles laid down, or decisions made, by the European Court before [<sup>F14</sup>IP completion day].]
- (4) The provisions of this section and Schedule 4 shall have effect subject to <sup>F15</sup>... <sup>F16</sup>... <sup>F17</sup>... [<sup>F18</sup>and the 2005 Hague Convention] and to the provisions of [<sup>F19</sup>sections 15B, 15C, 15D and 17].
- <sup>X1</sup>(5) In section 15(1)(a) of the <sup>M1</sup>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

- F2** 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](#))
- F3** 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](#))
- F4** Words in s. 16(1)(a) substituted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **28(2)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 16(1)(a) substituted in earlier amending provision S.I. 2019/479, reg. 28(2) (31.12.2020) by [The Civil, Criminal and Family Justice \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1493\)](#), regs. 1(1), **5(2)(c)(i)**
- F6** 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](#))
- F7** Words in s. 16(1)(b) substituted (10.1.2015) by [The Civil Jurisdiction and Judgments \(Amendment\) Regulations 2014 \(S.I. 2014/2947\)](#), reg. 1, **Sch. 1 para. 3** (with reg. 6)
- F8** S. 16(1A) inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **28(3)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** 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](#))
- F10** 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](#))

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- F11** 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)
- F12** Words in s. 16(3)(b) substituted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(4)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 16(3A) inserted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(5)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 16(3A) substituted in earlier amending provision S.I. 2019/479, reg. 28(5) (31.12.2020) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), **5(2)(c)(ii)**
- F15** Words in s. 16(4) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(a)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 16(4) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(3)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in s. 16(4) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(b)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 16(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), **11**
- F19** Words in s. 16(4) substituted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(c)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

#### 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
  - (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.

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**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)**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

Civil Jurisdiction and Judgments Act 1982, Cross Heading: Jurisdiction in other civil proceedings is up to date with all changes known to be in force on or before 18 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.