



# 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 Title II of the 1968 Convention) 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—
  - (a) the subject-matter of the proceedings is within the scope of the 1968 Convention as determined by Article 1 (whether or not the Convention 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 Article 16 (exclusive jurisdiction regardless of domicile).
- (2) In Schedule 4 modifications of Title II of the 1968 Convention are indicated as follows—
  - (a) modifications by way of omission are indicated by dots ; and
  - (b) within each Article words resulting from modifications by way of addition or substitution are printed in heavy type.
- (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 and to any relevant decision of that court as to the meaning or effect of any provision of that Title ; 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 the 1968 Convention and to the provisions of section 17.
- (5) In section 15(1)(a) of the 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”.

## **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.

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

- (1) In relation to any judgment to which this section applies—
  - (a) 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
  - (b) 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)—
  - (a) any judgment or order (by whatever name called) given or made by a court of law in the United Kingdom ;
  - (b) 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;
  - (c) 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 ;

- (d) 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 ;
- (e) 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;

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) a judgment given in proceedings in a magistrates' court in England and Wales or Northern Ireland ;
  - (b) a judgment given in proceedings other than civil proceedings ;
  - (c) a judgment given in proceedings relating to—
    - (i) bankruptcy; or
    - (ii) the winding up of a corporation or association ; or
    - (iii) the obtaining of title to administer the estate of a deceased person.
- (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 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 Contempt of Court Act 1981 or section 140 of the Supreme Court Act 1981 (which relate to fines for contempt of court and forfeiture of recognisances).
- (5) This section does not apply to so much of any judgment as—
  - (a) is an order to which section 16 of the 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 ;
  - (b) any provision relating to guardianship or custody.
- (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 Administration of Justice Act 1920, Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933, Part I of the 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.

## **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—
- (a) the documents mentioned in paragraph (c) of the definition of " judgment " in section 18(2);
  - (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);