



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART III

JURISDICTION IN SCOTLAND

20 Rules as to jurisdiction in Scotland.

- (1) Subject to ^{F1}... Parts I and II and to the following provisions of this Part, Schedule 8 has effect to determine in what circumstances a person may be sued in civil proceedings in the Court of Session or in a sheriff court.
- (2) Nothing in Schedule 8 affects the competence as respects subject-matter or value of the Court of Session or of the sheriff court.
- (3) [^{F2}Section 43 of the Courts Reform (Scotland) Act 2014 does not apply—]
 - [^{F3}(a)] ^{F4}...in relation to any matter to which Schedule 8 applies. ^{F5}...
 - ^{F5}(b)
- ^{F6}(4)
- (5) In determining any question as to the meaning or effect of any provision contained in Schedule 8 ^{F7}...—
 - (a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the 1968 Convention [^{F8}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 [^{F9}or that Chapter]; and
 - (b) without prejudice to the generality of paragraph (a), [^{F10}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.
- [^{F11}(6) The requirement in subsection (5)(a) applies only in relation to principles laid down, or decisions made, by the European Court before IP completion day.]

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Textual Amendments

- F1** Words in s. 20(1) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **31(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)
- F2** Words in s. 20(3) substituted (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014](#) (asp 18), s. 138(2), **sch. 5 para. 7(a)**; S.S.I. 2015/77, art. 2(2)(3), sch. and (E.W.N.I.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015](#) (S.I. 2015/700), art. 1(11)(j), **Sch. para. 11(2)(a)**
- F3** Words in s. 20(3) renumbered as s. 20(3)(a) (18.6.2011) by virtue of [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011](#) (S.I. 2011/1484), **Sch. 4 para. 4(a)**
- F4** Words in s. 20(3)(a) repealed (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014](#) (asp 18), s. 138(2), **sch. 5 para. 7(b)**; S.S.I. 2015/77, art. 2(2)(3), sch. and (E.W.N.I.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015](#) (S.I. 2015/700), art. 1(11)(j), **Sch. para. 11(2)(b)**
- F5** S. 20(3)(b) and word 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(5)** (with reg. 8) (as amended by [S.I. 2020/1574](#), regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 20(4) omitted (1.3.2002) by virtue of [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 6(b)** (with transitional provisions in art. 6)
- F7** Words in s. 20(5) omitted (1.3.2002) by virtue of [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 6(c)(i)** (with transitional provisions in art. 6)
- F8** Words in s. 20(5)(a) inserted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 6(c)(ii)** (with transitional provisions in art. 6)
- F9** Words in s. 20(5)(a) inserted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 6(c)(iii)** (with transitional provisions in art. 6)
- F10** Words in s. 20(5)(b) substituted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **31(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)
- F11** S. 20(6) inserted (31.12.2020) by [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/479), regs. 1(1), **31(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)

21 Continuance of certain existing jurisdictions.

- (1) Schedule 8 does not affect—
- (a) the operation of any enactment which confers jurisdiction on a Scottish court in respect of a specific subject-matter on specific grounds;
 - (b) without prejudice to the foregoing generality, the jurisdiction of any court in respect of any matter mentioned in Schedule 9.
- (2) Her Majesty may by Order in Council—
- (a) add to the list in Schedule 9 any description of proceedings; and
 - (b) remove from that list any description of proceedings (whether included in the list as originally enacted or added by virtue of this subsection).
- (3) An Order in Council under subsection (2) may—
- (a) make different provision for different descriptions of proceedings or for the same description of proceedings in different courts; and
 - (b) contain such transitional and other incidental provisions as appear to Her Majesty to be appropriate.

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- (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. 21(1) excluded (1.10.2008) by [The Housing \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2008 \(S.I. 2008/1889\)](#), [art. 5\(4\)](#)

22 Supplementary provisions.

- (1) Nothing in Schedule 8 shall prevent a court from declining jurisdiction on the ground *offorum non conveniens*.
- (2) Nothing in Schedule 8 affects the operation of any enactment or rule of law under which a court may decline to exercise jurisdiction because of the prorogation by parties of the jurisdiction of another court.
- (3) For the avoidance of doubt, it is declared that nothing in Schedule 8 affects the *nobile officium* of the Court of Session.
- (4) Where a court has jurisdiction in any proceedings by virtue of Schedule 8, that court shall also have jurisdiction to determine any matter which—
- (a) is ancillary or incidental to the proceedings; or
 - (b) requires to be determined for the purposes of a decision in the proceedings.

23 Savings and consequential amendments.

- (1) Nothing in Schedule 8 shall affect—
- (a) the power of any court to vary or recall a maintenance order granted by that court;
 - (b) the power of a sheriff court under section 22 of the ^{M1}Maintenance Orders Act 1950 (discharge and variation of maintenance orders registered in sheriff courts) to vary or discharge a maintenance order registered in that court under Part II of that Act; or
 - (c) the power of a sheriff court under section 9 of the ^{M2}Maintenance Orders (Reciprocal Enforcement) Act 1972 (variation and revocation of maintenance orders registered in United Kingdom courts) to vary or revoke a registered order within the meaning of Part I of that Act.

- ^{X1}(2) The enactments specified in Part II of Schedule 12 shall have effect with the amendments specified there, being amendments consequential on Schedule 8.

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.

Marginal Citations

- M1** 1950 c. 37.

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M2 1972 c. 18.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 8 rule 2(g) words substituted by [2024 asp 2 Sch. 1 para. 15](#)