



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

Other supplementary provisions

^{F1}47 Modifications occasioned by decisions of European Court as to meaning or effect of Conventions.

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Textual Amendments

F1 S. 47 omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), 49 (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)

48 Matters for which rules of court may provide.

^{F2}(1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act, ^{F3}... ^{F4}... [^{F5}the 1996 Hague Convention,] the 2007 Hague Convention or the 2005 Hague Convention.]

(2) Rules of court may make provision as to the manner in which and the conditions subject to which a [^{F6}certificate or judgment—

(a) which has been registered in any court under any provision of this Act ^{F7}[^{F8}... or the 2007 Hague Convention,]

^{F9}(aa)

^{F10}(b)

^{F11}(c)

Status: Point in time view as at 26/04/2024.

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may be enforced,] including provision for enabling the court or, in Northern Ireland the Enforcement of Judgments Office, subject to any conditions specified in the rules, to give directions about such matters.

- (3) Without prejudice to the generality of subsections (1) and (2), the power to make rules of court for [^{F12}the family court, the power to make rules of court for magistrates' courts in Northern Ireland,] and in Northern Ireland the power to make Judgment Enforcement Rules, shall include power to make such provision as the rule-making authority considers necessary or expedient for the purposes of the provisions of ^{F13} ... ^{F14} ... [^{F15}, the 2007 Hague Convention] and this Act relating to maintenance proceedings and the recognition and enforcement of maintenance orders, and shall in particular include power to make provision as to any of the following matters—
- (a) authorising the service in another ^{F16} ... ^{F17} [^{F18} [^{F19} ... 2007 Hague Convention State]] of process issued by or for the purposes of [^{F20}the family court or] a magistrates' court and the service and execution in England and Wales or Northern Ireland of process issued in another ^{F16} [^{F18} ... ^{F17} [^{F19} ... 2007 Hague Convention State]];
 - (b) requesting courts in other parts of the United Kingdom or in other ^{F21} ... ^{F22} [^{F23} ... 2007 Hague Convention States] to take evidence there for the purposes of proceedings in England and Wales or Northern Ireland;
 - (c) the taking of evidence in England and Wales or Northern Ireland in response to similar requests received from such courts;
 - (d) the circumstances in which and the conditions subject to which any powers conferred under paragraphs (a) to (c) are to be exercised;
 - (e) the admission in evidence, subject to such conditions as may be prescribed in the rules, of statements contained in documents purporting to be made or authenticated by a court in another part of the United Kingdom or in another ^{F24} [^{F25} ... ^{F26} [^{F27} ... 2007 Hague Convention State,]], or by a judge or official of such a court, which purport—
 - (i) to set out or summarise evidence given in proceedings in that court or to be documents received in evidence in such proceedings or copies of such documents; or
 - (ii) to set out or summarise evidence taken for the purposes of proceedings in England and Wales or Northern Ireland, whether or not in response to any such request as is mentioned in paragraph (b); or
 - (iii) to record information relating to the payments made under an order of that court;
 - (f) the circumstances and manner in which [^{F28}the family court or] a magistrates' court may or must vary or revoke a maintenance order registered in that court, cancel the registration of, or refrain from enforcing, such an order or transmit such an order for enforcement in another part of the United Kingdom;
 - (g) the cases and manner in which courts in other parts of the United Kingdom or in other ^{F29} ... ^{F30} [^{F31} [^{F32} ... 2007 Hague Convention States]] are to be informed of orders made, or other things done, by or for the purposes of [^{F33}the family court or] a magistrates' court;
 - (h) the circumstances and manner in which [^{F34}the family court or] a magistrates' court may communicate for other purposes with such courts;
 - (i) the giving of notice of such matters as may be prescribed in the rules to such persons as may be so prescribed and the manner in which such notice is to be given.

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- (4) Nothing in this section shall be taken as derogating from the generality of any power to make rules of court conferred by any other enactment.

Textual Amendments

- F2** S. 48(1) 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), **18**
- F3** Words in s. 48(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), **50(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)
- F4** Words in s. 48(1) 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(12)(a)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 48(1) inserted (31.12.2020) by [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), **Sch. 5 para. 1** (with s. 3(1))
- F6** Words in s. 48(2) substituted (27.5.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) \(Rules of Court\) Regulations 2011 \(S.I. 2011/1215\)](#), **reg. 5(3)**
- F7** Words in s. 48(2)(a) omitted (10.1.2015) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) Regulations 2014 \(S.I. 2014/2947\)](#), reg. 1, **Sch. 1 para. 4(a)** (with reg. 6)
- F8** Words in s. 48(2)(a) substituted (31.7.2012) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Rules of Court\) Regulations 2012 \(S.I. 2012/1770\)](#), regs. 1(1), **5(b)**
- F9** S. 48(2)(aa) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **50(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)
- F10** S. 48(2)(b) 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(12)(b)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** S. 48(2)(c) 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(12)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 48(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 86(16)(a)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 48(3) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **50(4)(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)
- F14** Words in s. 48(3) 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(12)(c)(i)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in s. 48(3) inserted (31.7.2012) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Rules of Court\) Regulations 2012 \(S.I. 2012/1770\)](#), regs. 1(1), **5(c)(i)**
- F16** Words in s. 48(3)(a) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **50(4)(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)
- F17** Words in s. 48(3)(a) 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(12)(c)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 48(3)(a) substituted (27.5.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) \(Rules of Court\) Regulations 2011 \(S.I. 2011/1215\)](#), **reg. 5(4)(b)**
- F19** Words in s. 48(3)(a) substituted (31.7.2012) by [The International Recovery of Maintenance \(Hague Convention 2007\) \(Rules of Court\) Regulations 2012 \(S.I. 2012/1770\)](#), regs. 1(1), **5(c)(ii)**

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- F20** Words in s. 48(3)(a) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 86(16)(b)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F21** Words in s. 48(3)(b) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **50(4)(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)
- F22** Words in s. 48(3)(b) 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(12)(c)(iii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in s. 48(3)(b) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(iii)**
- F24** Words in s. 48(3)(e) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **50(4)(d)** (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)
- F25** Words in s. 48(3)(e) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(d)**
- F26** Words in s. 48(3)(e) 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(12)(c)(iv)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in s. 48(3)(e) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(iv)**
- F28** Words in s. 48(3)(f) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 86(16)(c)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F29** Words in s. 48(3)(g) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **50(4)(e)** (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)
- F30** Words in s. 48(3)(g) 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(12)(c)(v)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in s. 48(3)(g) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(e)**
- F32** Words in s. 48(3)(g) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(v)**
- F33** Words in s. 48(3)(g) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 86(16)(b)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F34** Words in s. 48(3)(h) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 86(16)(c)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C1** S. 48 applied (1.4.1993) by S.I. 1993/604, **art. 8**
S. 48 applied (with modifications) (1.3.2002) by S.I. 2001/3928, **art. 4**
- C2** S. 48 applied (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 47(8)** (with reg. 48)
- C3** S. 48 applied (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 7(1)**
- C4** S. 48 applied (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **7**
- C5** S. 48 applied (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), **25(5)**

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49 Saving for powers to stay, sist, strike out or dismiss proceedings.

Nothing in this Act shall prevent any court in the United Kingdom from staying, sisting, striking out or dismissing any proceedings before it, on the ground of *forum non conveniens* or otherwise, where to do so is not inconsistent with ^{F35}...^{F36} the 2005 Hague Convention].

Textual Amendments

- F35** Words in s. 49 omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **51(1)** (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)
- F36** Words in s. 49 inserted (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), **19**

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