

*Status: Point in time view as at 31/12/2020.*

**Changes to legislation:** Civil Jurisdiction and Judgments Act 1982, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 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)

## SCHEDULES

### [<sup>F1</sup>]<sup>F2</sup>SCHEDULE 4

#### CHAPTER II OF THE REGULATION AS MODIFIED: RULES FOR ALLOCATION OF JURISDICTION WITHIN UK

##### Textual Amendments

- F1** Sch. 1 substituted (1.1.2001) by [The Civil Jurisdiction and Judgments Act 1982 \(Amendment\) Order 2000 \(S.I. 2000/1824\)](#), arts. 1, 8(1), **Sch. 1**
- F2** Sch. 4 substituted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 4** (with transitional provisions in art. 6)

##### Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (1.10.2008) by [The Housing \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2008 \(S.I. 2008/1889\)](#), **art. 4(3)**

##### *General*

- <sup>F3</sup>1 Subject to the rules of this Schedule, persons domiciled in a part of the United Kingdom shall be sued in the courts of that part.

##### Textual Amendments

- F3** Sch. 4 para. 1 substituted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 4** (with transitional provisions in art. 6)

- <sup>F4</sup>2 Persons domiciled in a part of the United Kingdom may be sued in the courts of another part of the United Kingdom only by virtue of rules 3 to 13 of this Schedule.

##### Textual Amendments

- F4** Sch. 4 para. 2 substituted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 4** (with transitional provisions in art. 6)

##### *Special jurisdiction*

- <sup>F5</sup>3 A person domiciled in a part of the United Kingdom may, in another part of the United Kingdom, be sued—
- (a) in matters relating to a contract, in the courts for the place of performance of the obligation in question;
  - (b) <sup>F6</sup> .....
  - (c) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;

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- (d) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;
- (e) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;
- (f) as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the part of the United Kingdom in which the trust is domiciled;
- (g) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question—
  - (i) has been arrested to secure such payment; or
  - (ii) could have been so arrested, but bail or other security has been given;
 provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage;
- (h) in proceedings—
  - (i) concerning a debt secured on immovable property; or
  - (ii) which are brought to assert, declare or determine proprietary or possessory rights, or rights of security, in or over movable property, or to obtain authority to dispose of movable property,
 in the courts of the part of the United Kingdom in which the property is situated.

#### Textual Amendments

- F5** Sch. 4 para. 3 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)
- F6** Sch. 4 para. 3(b) repealed (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), Sch. 4 para. 11

- <sup>F74</sup> Proceedings which have as their object a decision of an organ of a company or other legal person or of an association of natural or legal persons may, without prejudice to the other provisions of this Schedule, be brought in the courts of the part of the United Kingdom in which that company, legal person or association has its seat.

#### Textual Amendments

- F7** Sch. 4 para. 4 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

- <sup>F85</sup> A person domiciled in a part of the United Kingdom may, in another part of the United Kingdom, also be sued—
- (a) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected

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that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;

- (b) as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;
- (c) on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;
- (d) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the part of the United Kingdom in which the property is situated.

**Textual Amendments**

**F8** Sch. 4 para. 5 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

**F9<sup>6</sup>** Where by virtue of this Schedule a court of a part of the United Kingdom has jurisdiction in actions relating to liability arising from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that part, shall also have jurisdiction over claims for limitation of such liability.

**Textual Amendments**

**F9** Sch. 4 para. 6 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

*Jurisdiction over consumer contracts*

**F10<sup>7</sup>** .....

**Textual Amendments**

**F10** Sch. 4 rule 7 omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), 59(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)

**F11<sup>8</sup>** .....

**Textual Amendments**

**F11** Sch. 4 rule 8 omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), 59(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)

**F12<sup>9</sup>** .....

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**Textual Amendments**

**F12** Sch. 4 rule 9 omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **59(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)

*Jurisdiction over individual contracts of employment*

<sup>F13</sup>10

**Textual Amendments**

**F13** Sch. 4 rule 10 omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **59(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)

*Exclusive jurisdiction*

<sup>F14</sup>11

The following courts shall have exclusive jurisdiction, regardless of domicile :—

- (a)
- (i) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the part of the United Kingdom in which the property is situated;
  - (ii) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the part of the United Kingdom in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and that the landlord and the tenant are domiciled in the same part of the United Kingdom;
- (b) in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, the courts of the part of the United Kingdom in which the company, legal person or association has its seat;
- (c) in proceedings which have as their object the validity of entries in public registers, the courts of the part of the United Kingdom in which the register is kept;
- (d) in proceedings concerned with the enforcement of judgments, the courts of the part of the United Kingdom in which the judgment has been or is to be enforced.

**Textual Amendments**

**F14** Sch. 4 para. 11 substituted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 4, **Sch. 2 para. 4** (with transitional provisions in art. 6)

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### *Prorogation of jurisdiction*

- <sup>F15</sup>12 (1) If the parties have agreed that a court or the courts of a part of the United Kingdom are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, and, apart from this Schedule, the agreement would be effective to confer jurisdiction under the law of that part, that court or those courts shall have jurisdiction.
- (2) The court or courts of a part of the United Kingdom on which a trust instrument has conferred jurisdiction shall have jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.
- (3) Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force<sup>F16</sup>... if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of rule 11.

#### **Textual Amendments**

- F15** Sch. 4 para. 12 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)
- F16** Words in Sch. 4 rule 12(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), 59(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)

- <sup>F17</sup>13 (1) Apart from jurisdiction derived from other provisions of this Schedule, a court of a part of the United Kingdom before which a defendant enters an appearance shall have jurisdiction.
- (2) This rule shall not apply where appearance was entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of rule 11.

#### **Textual Amendments**

- F17** Sch. 4 para. 13 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

### *Examination as to jurisdiction and admissibility*

- <sup>F18</sup>14 Where a court of a part of the United Kingdom is seised of a claim which is principally concerned with a matter over which the courts of another part of the United Kingdom have exclusive jurisdiction by virtue of rule 11, it shall declare of its own motion that it has no jurisdiction.

#### **Textual Amendments**

- F18** Sch. 4 para. 14 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

- <sup>F19</sup>15 (1) Where a defendant domiciled in one part of the United Kingdom is sued in a court of another part of the United Kingdom and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the provisions of this Schedule.

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- (2) The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.

**Textual Amendments**

**F19** Sch. 4 para. 15 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

*Provisional, including protective, measures*

- <sup>F20</sup>16 Application may be made to the courts of a part of the United Kingdom for such provisional, including protective, measures as may be available under the law of that part, even if, under this Schedule, the courts of another part of the United Kingdom have jurisdiction as to the substance of the matter.]

**Textual Amendments**

**F20** Sch. 4 para. 16 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, Sch. 2 para. 4 (with transitional provisions in art. 6)

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## TITLE II

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