

Status: Point in time view as at 22/04/2014.

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Section 2 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)

SCHEDULES

[^{F1}]^{F2}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\(3\)](#)

TITLE II

JURISDICTION

SECTION 2

SPECIAL JURISDICTION

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)

ARTICLE 5

A person domiciled in **apart of the United Kingdom** may, in another**part of the United Kingdom**, be sued:

- (1) in matters relating to a contract, in the courts for the place of performance of the obligation in question; in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, the employer may also be sued in the courts for the place where the business which engaged the employee was or is now situated;

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- (2) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;
- (3) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred **or in the case of a threatened wrong is likely to occur**;
- (4) 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;
- (5) 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;
- (6) in his capacity as a 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;
- (7) 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
 - (a) has been arrested to secure such payment, or
 - (b) 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;

- (8) **in proceedings—**
 - (a) **concerning a debt secured on immovable property;**
 - or**
 - (b) **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.

ARTICLE 5A

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 Title, be brought in the courts of the part of the United Kingdom in which that company, legal person or association has its seat.

ARTICLE 6

A person domiciled in **apart of the United Kingdom** may, **in another part of the United Kingdom**, also be sued:

- (1) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled;
- (2) 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;

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- (3) on a counterclaim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending.
- (4) 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.

ARTICLE 6A

Where by virtue of this **Title** a court of **apart 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.

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