

Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Paragraph 3 is up to date with all changes known to be in force on or before 02 August 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) View outstanding changes

SCHEDULES

[^{F1}]^{F1}SCHEDULE 8

RULES AS TO JURISDICTION IN SCOTLAND

Textual Amendments

- F1** Sch. 8 substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 7**
- 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**

Modifications etc. (not altering text)

- C1** Sch. 8 applied (with modifications) (1.10.2008) by The Housing (Scotland) Act 2006 (Consequential Provisions) Order 2008 (S.I. 2008/1889), **art. 5(3)**

Jurisdiction over consumer contracts]]

- 3 (1) In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, subject to rule 5, jurisdiction shall be determined by this rule if—
- (a) it is a contract for the sale of goods on instalment credit terms; or
 - (b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or
 - (c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in Scotland or, by any means, directs such activities to Scotland or to several places including Scotland, and the contract falls within the scope of such activities.
- (2) This rule shall not apply to a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation.
- (3) A consumer may bring proceedings against the other party to a contract only in—
- (a) the courts for the place in which that party is domiciled;
 - (b) the courts for the place in which he is himself domiciled; or
 - (c) any court having jurisdiction by virtue of rule 2(f) or (i).
- (4) Proceedings may be brought against a consumer by the other party to the contract only in the courts for the place where the consumer is domiciled or any court having jurisdiction under rule 2(i).
- (5) The provisions of this rule shall not affect the right to bring a counterclaim in the court in which, in accordance with this rule, the original claim is pending.

^{F1}(6)

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Textual Amendments

- F1** Sch. 8 para. 3(6) omitted (31.12.2020) by virtue of [The Civil Jurisdiction and Judgments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/479\)](#), regs. 1(1), **61** (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)

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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](#)