



# Civil Jurisdiction and Judgments Act 1982

## 1982 CHAPTER 27

### PART II

#### JURISDICTION, AND RECOGNITION AND ENFORCEMENT OF JUDGMENTS, WITHIN UNITED KINGDOM

#### 16 Allocation within U.K. of jurisdiction in certain civil proceedings.

- (1) The provisions set out in Schedule 4 (which contains a modified version of Title II of the 1968 Convention) shall have effect for determining, for each part of the United Kingdom, whether the courts of law of that part, or any particular court of law in that part, have or has jurisdiction in proceedings where—
  - (a) the subject-matter of the proceedings is within the scope of the 1968 Convention as determined by Article 1 (whether or not [<sup>F1</sup>that or any other Convention] has effect in relation to the proceedings); and
  - (b) the defendant or defender is domiciled in the United Kingdom or the proceedings are of a kind mentioned in Article 16 [<sup>F2</sup>of the 1968 Convention] (exclusive jurisdiction regardless of domicile).
- (2) In Schedule 4 modifications of Title II of the 1968 Convention are indicated as follows—
  - (a) modifications by way of omissions are indicated by dots; and
  - (b) within each Article words resulting from modifications by way of addition or substitution are printed in heavy type.
- (3) In determining any question as to the meaning or effect of any provision contained in Schedule 4—
  - (a) regard shall be had to any relevant principles laid down by the European Court in connection with Title II of the 1968 Convention and to any relevant decision of that court as to the meaning or effect of any provision of that Title; and
  - (b) without prejudice to the generality of paragraph (a), the reports mentioned in section 3(3) may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.

*Status: Point in time view as at 01/05/1992. This version of this provision has been superseded.*

*Changes to legislation: Civil Jurisdiction and Judgments Act 1982, Section 16 is up to date with all changes known to be in force on or before 26 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)*

- (4) The provisions of this section and Schedule 4 shall have effect subject to the 1968 Convention [<sup>F3</sup>and the Lugano Convention] and to the provisions of section 17.
- (5) In section 15(1)(a) of the <sup>M1</sup>Maintenance Orders Act 1950 (domestic proceedings in which initial process may be served in another part of the United Kingdom), after subparagraph (v) there shall be added—
- “(vi) Article 5(2) of Schedule 4 to the Civil Jurisdiction and Judgments Act 1982 ; or”.

#### Textual Amendments

- F1** Words in s. 16(1)(a) substituted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, **Sch. 2 para. 11(a)** (with s. 4); S.I. 1992/745, **art.2**
- F2** Words in s. 16(1)(b) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, **Sch. 2 para. 11(b)** (with s. 4); S.I. 1992/745, **art. 2**
- F3** Words in s. 16(4) inserted (1.5.1992) by [Civil Jurisdiction and Judgments Act 1991 \(c. 12, SIF 45:3\)](#), s. 3, **Sch. 2 para. 11(c)** (with s. 4); S.I. 1992/745, **art. 2**

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

- C1** 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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