



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 [F¹Chapter II of the Regulation]) 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—

- [F²(a) the subject-matter of the proceedings is within the scope of the Regulation as determined by Article 1 of the Regulation (whether or not the Regulation 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 [F³Article 22 of the Regulation] (exclusive jurisdiction regardless of domicile).

[F⁴(2)

(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 [F⁵or Chapter II of the Regulation] and to any relevant decision of that court as to the meaning or effect of any provision of that Title [F⁶or that Chapter]; 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.

(4) The provisions of this section and Schedule 4 shall have effect subject to [F⁷the Regulation,] the 1968 Convention [F⁸and the Lugano Convention] and to the provisions of section 17.

Status: Point in time view as at 01/03/2002. This version of this provision has been superseded.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 09 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)

^{XI}(5) In section 15(1)(a) of the ^{M1}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”.

Editorial Information

- X1** 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.

Textual Amendments

- F1** Words in s. 16(1) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(i)** (with transitional provisions in art. 6)
- F2** S. 16(1)(a) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(ii)** (with transitional provisions in art. 6)
- F3** Words in s. 16(1)(b) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(a)(iii)** (with transitional provisions in art. 6)
- F4** S. 16(2) omitted (1.3.2002) by virtue of S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(b)** (with transitional provisions in art. 6)
- F5** Words in s. 16(3)(a) substituted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(c)(i)** (with transitional provisions in art. 6)
- F6** Words in s. 16(3)(a) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(c)(ii)** (with transitional provisions in art. 6)
- F7** Words in s. 16(4) inserted (25.1.2002) by S.I. 2001/3929, arts. 1(b), 4, **Sch. 2 para. 3(d)** (with transitional provisions in art. 6)
- F8** 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

Marginal Citations

- M1** 1950 c. 37.

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