



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 [F³would have had effect before [F⁴IP completion day]] 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 [F⁵[F⁶Article 24] of the Regulation] (exclusive jurisdiction regardless of domicile).

[F⁷(1A) This section and Schedule 4 do not apply for the purposes of determining jurisdiction in proceedings in relation to which section 15B, 15C or 15D(2) applies, except as specified in those sections.]

[F⁸(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 [F⁹or 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 [F¹⁰or that Chapter]; and

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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 19 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)

- (b) without prejudice to the generality of paragraph (a), [^{F11}the expert reports relating to the 1968 Convention] may be considered and shall, so far as relevant, be given such weight as is appropriate in the circumstances.

[^{F12}(3A) The requirement in subsection (3)(a) applies only in relation to principles laid down, or decisions made, by the European Court before [^{F13}IP completion day].]

- (4) The provisions of this section and Schedule 4 shall have effect subject to ^{F14} ... ^{F15} ... ^{F16} ... [^{F17}and the 2005 Hague Convention] and to the provisions of [^{F18}sections 15B, 15C, 15D and 17].

^{X1}(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)(a) substituted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(2)** (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)
- F4** Words in s. 16(1)(a) substituted in earlier amending provision S.I. 2019/479, reg. 28(2) (31.12.2020) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), **5(2)(c)(i)**
- F5** 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)
- F6** Words in s. 16(1)(b) substituted (10.1.2015) by The Civil Jurisdiction and Judgments (Amendment) Regulations 2014 (S.I. 2014/2947), reg. 1, **Sch. 1 para. 3** (with reg. 6)
- F7** S. 16(1A) inserted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(3)** (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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** Words in s. 16(3)(b) substituted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(4)** (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** S. 16(3A) inserted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(5)** (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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- F13** Words in s. 16(3A) substituted in earlier amending provision S.I. 2019/479, reg. 28(5) (31.12.2020) by The Civil, Criminal and Family Justice (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1493), regs. 1(1), **5(2)(c)(ii)**
- F14** Words in s. 16(4) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(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)
- F15** Words in s. 16(4) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 12(3)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 16(4) omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(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)
- F17** Words in s. 16(4) substituted (1.10.2015) by The Civil Jurisdiction and Judgments (Hague Convention on Choice of Court Agreements 2005) Regulations 2015 (S.I. 2015/1644), regs. 1(1), **11**
- F18** Words in s. 16(4) substituted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **28(6)(c)** (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)

Marginal Citations

- M1** 1950 c. 37.

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