



Civil Jurisdiction and Judgments Act 1982

1982 CHAPTER 27

PART V

SUPPLEMENTARY AND GENERAL PROVISIONS

Other supplementary provisions

48 Matters for which rules of court may provide.

- (1) Rules of court may make provision for regulating the procedure to be followed in any court in connection with any provision of this Act [^{F1}the Lugano Convention or the Brussels Conventions][^{F2}or the Regulation][^{F3}or the Maintenance Regulation][^{F4}or the 2007 Hague Convention].
- (2) Rules of court may make provision as to the manner in which and the conditions subject to which a [^{F5} certificate or judgment—
 - (a) which has been registered in any court under any provision of this Act [^{F6}, the Regulation or the 2007 Hague Convention,]
 - (b) which is enforceable in the United Kingdom by virtue of Section 1 of Chapter IV of the Maintenance Regulation, or
 - (c) which has been registered for the purposes of Section 2 of that Chapter, may be enforced,] including provision for enabling the court or, in Northern Ireland the Enforcement of Judgments Office, subject to any conditions specified in the rules, to give directions about such matters.
- (3) Without prejudice to the generality of subsections (1) and (2), the power to make rules of court for magistrates' courts, and in Northern Ireland the power to make Judgment Enforcement Rules, shall include power to make such provision as the rule-making authority considers necessary or expedient for the purposes of the provisions of [^{F7}the Lugano Convention, the Brussels Conventions][^{F8}, the Regulation][^{F9}, the Maintenance Regulation][^{F10}, the 2007 Hague Convention] and this Act relating to maintenance proceedings and the recognition and enforcement of maintenance orders,

Status: Point in time view as at 31/07/2012. This version of this provision has been superseded.

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and shall in particular include power to make provision as to any of the following matters—

- (a) authorising the service in another Contracting State [F11, Regulation State [F12, Maintenance Regulation State or 2007 Hague Convention State]] of process issued by or for the purposes of a magistrates' court and the service and execution in England and Wales or Northern Ireland of process issued in another Contracting State [F11, Regulation State [F12, Maintenance Regulation State or 2007 Hague Convention State]];
 - (b) requesting courts in other parts of the United Kingdom or in other Contracting States [F13, Regulation States[F14, Maintenance Regulation States or 2007 Hague Convention States]] to take evidence there for the purposes of proceedings in England and Wales or Northern Ireland;
 - (c) the taking of evidence in England and Wales or Northern Ireland in response to similar requests received from such courts;
 - (d) the circumstances in which and the conditions subject to which any powers conferred under paragraphs (a) to (c) are to be exercised;
 - (e) the admission in evidence, subject to such conditions as may be prescribed in the rules, of statements contained in documents purporting to be made or authenticated by a court in another part of the United Kingdom or in another Contracting State[F15, Regulation State[F16, Maintenance Regulation State or 2007 Hague Convention State,]] or by a judge or official of such a court, which purport—
 - (i) to set out or summarise evidence given in proceedings in that court or to be documents received in evidence in such proceedings or copies of such documents; or
 - (ii) to set out or summarise evidence taken for the purposes of proceedings in England and Wales or Northern Ireland, whether or not in response to any such request as is mentioned in paragraph (b); or
 - (iii) to record information relating to the payments made under an order of that court;
 - (f) the circumstances and manner in which a magistrates' court may or must vary or revoke a maintenance order registered in that court, cancel the registration of, or refrain from enforcing, such an order or transmit such an order for enforcement in another part of the United Kingdom;
 - (g) the cases and manner in which courts in other parts of the United Kingdom or in other Contracting States[F17, Regulation States [F18, Maintenance Regulation States or 2007 Hague Convention States]] are to be informed of orders made, or other things done, by or for the purposes of a magistrates' court;
 - (h) the circumstances and manner in which a magistrates' court may communicate for other purposes with such courts;
 - (i) the giving of notice of such matters as may be prescribed in the rules to such persons as may be so prescribed and the manner in which such notice is to be given.
- (4) Nothing in this section shall be taken as derogating from the generality of any power to make rules of court conferred by any other enactment.

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Textual Amendments

- F1** Words in s. 48(1) substituted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 3, **Sch. 2 para. 23(a)** (with s. 4); S.I. 1992/745, **art. 2**.
- F2** Words in s. 48(1) added (25.1.2002) by S.I. 2001/3929, arts. 1(a), 4, **Sch. 2 para. 17(a)**
- F3** Words in s. 48(1) inserted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(2)**
- F4** Words in s. 48(1) inserted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(a)**
- F5** Words in s. 48(2) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(3)**
- F6** Words in s. 48(2)(a) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(b)**
- F7** Words in s. 48(3) substituted (1.5.1992) by Civil Jurisdiction and Judgments Act 1991 (c. 12, SIF 45:3), s. 3, **Sch. 2 para. 23(b)** (with s. 4); S.I. 1992/745, **art. 2**.
- F8** Words in s. 48(3) inserted (25.1.2002) by S.I. 2001/3929, arts. 1(a), 4, **Sch. 2 para. 17(c)(i)**
- F9** Words in s. 48(3) inserted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(a)**
- F10** Words in s. 48(3) inserted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(i)**
- F11** Words in s. 48(3)(a) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(b)**
- F12** Words in s. 48(3)(a) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(ii)**
- F13** Words in s. 48(3)(b) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(c)**
- F14** Words in s. 48(3)(b) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(iii)**
- F15** Words in s. 48(3)(e) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(d)**
- F16** Words in s. 48(3)(e) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(iv)**
- F17** Words in s. 48(3)(g) substituted (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 5(4)(e)**
- F18** Words in s. 48(3)(g) substituted (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **5(c)(v)**

Modifications etc. (not altering text)

- C1** S. 48 applied (1.4.1993) by S.I. 1993/604, **art. 8**.
S. 48 applied (with modifications) (1.3.2002) by S.I. 2001/3928, **art. 4**
- C2** S. 48 applied (1.1.2010) by The Civil Jurisdiction and Judgments Regulations 2009 (S.I. 2009/3131), **reg. 47(8)** (with **reg. 48**)
- C3** S. 48 applied (27.5.2011) by The Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215), **reg. 7(1)**
- C4** S. 48 applied (31.7.2012) by The International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012 (S.I. 2012/1770), regs. 1(1), **7**

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