



Private International Law (Implementation of Agreements) Act 2020

2020 CHAPTER 24

Implementation of international agreements

1 Implementation of the 1996, 2005 and 2007 Hague Conventions

- (1) In the Civil Jurisdiction and Judgments Act 1982 (“the 1982 Act”), in subsection (1) of section 1 (interpretation of references to the Conventions etc) insert at the appropriate place—

““the 1996 Hague Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children concluded on 19th October 1996 at The Hague;”.

- (2) Before section 4 of the 1982 Act (and before the italic heading preceding that section) insert—

“3C The 1996 Hague Convention to have the force of law

- (1) The 1996 Hague Convention shall have the force of law in the United Kingdom.
- (2) For the purposes of this Act the 1996 Hague Convention is to be read together with the following declarations made by the United Kingdom on 27th July 2012—
- the declaration under Article 29 of the Convention, concerning applicable territorial units;
 - the declaration under Article 34 of the Convention, concerning communication of requests under paragraph 1 of that Article;
 - the declaration under Article 54 of the Convention, concerning the use of French.

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- (3) For convenience of reference there are set out in Schedules 3D and 3E respectively—
- (a) the English text of the 1996 Hague Convention;
 - (b) the declarations referred to in subsection (2).

3D The 2005 Hague Convention to have the force of law

- (1) The 2005 Hague Convention shall have the force of law in the United Kingdom.
- (2) For the purposes of this Act the 2005 Hague Convention is to be read together with any reservations or declarations made by the United Kingdom at the time of the approval of the Convention.
- (3) For convenience of reference the English text of the 2005 Hague Convention is set out in Schedule 3F.

3E The 2007 Hague Convention to have the force of law

- (1) The 2007 Hague Convention shall have the force of law in the United Kingdom.
- (2) For the purposes of this Act the 2007 Hague Convention is to be read together with any reservations or declarations made by the United Kingdom at the time of the approval of the Convention.
- (3) For convenience of reference the English text of the 2007 Hague Convention is set out in Schedule 3G.”

(3) Before Schedule 4 to the 1982 Act insert (as Schedules 3D to 3G) the Schedules set out in Schedules 1 to 4 to this Act.

(4) Schedule 5 (consequential and transitional provision) has effect.

2 Implementation of other agreements on private international law

- (1) The appropriate national authority may make regulations for the purpose of, or in connection with, implementing any international agreement, as it has effect from time to time, so far as relating to private international law (a “relevant international agreement”).
- (2) The appropriate national authority may make regulations for the purpose of, or in connection with, applying a relevant international agreement, with or without modifications, as between different jurisdictions within the United Kingdom.
- (3) The appropriate national authority may make regulations for the purpose of, or in connection with, giving effect to any arrangements made between—
 - (a) Her Majesty's government in the United Kingdom, and
 - (b) the government of a relevant territory,
 for applying a relevant international agreement, with or without modifications, as between the United Kingdom, or a jurisdiction within the United Kingdom, and that territory.
- (4) Regulations under subsections (1) to (3) may only be made during the operative period.

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- (5) The operative period is the period of five years beginning with the day on which this Act is passed.
- (6) The appropriate national authority in relation to a part of the United Kingdom may by regulations extend the operative period for that part of the United Kingdom by a period of five years.
- (7) The power under subsection (6) may be exercised more than once.
- (8) The operative period may not be extended for any part of the United Kingdom after it has expired in relation to that part of the United Kingdom.
- (9) Regulations under this section may make—
- (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or for different parts of the United Kingdom.
- (10) Regulations under subsections (1) to (3) may include provision about—
- (a) enforcement of obligations arising under or by virtue of the regulations;
 - (b) sharing of information;
 - (c) legal aid.
- (11) Schedule 6 makes further provision about regulations under this section.
- (12) In this section—
- “appropriate national authority” means—
 - (a) in relation to England and Wales, the Secretary of State;
 - (b) in relation to Scotland—
 - (i) the Scottish Ministers, or
 - (ii) the Secretary of State acting with the consent of the Scottish Ministers;
 - (c) in relation to Northern Ireland—
 - (i) a Northern Ireland department, or
 - (ii) the Secretary of State acting with the consent of a Northern Ireland department;
 - “international agreement” means a convention, treaty or other agreement to which the United Kingdom is, or is expected to become, a party;
 - “private international law” includes rules and other provisions about—
 - (a) jurisdiction and applicable law;
 - (b) recognition and enforcement in one country or territory of any of the following that originate in another country or territory—
 - (i) a judgment, order or arbitral award;
 - (ii) an agreement, decision or authentic instrument determining or otherwise relating to rights and obligations;
 - (c) co-operation between judicial or other authorities in different countries or territories in relation to—
 - (i) service of documents, taking of evidence and other procedures, or
 - (ii) anything within paragraph (a) or (b);
 - “relevant international agreement” has the meaning given in subsection (1);

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“relevant territory” means—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) a British overseas territory.

- (13) This section and Schedule 6 have effect, with the following modifications, in relation to a model law adopted by an international organisation of which the United Kingdom is a member as they have effect in relation to an international agreement to which the United Kingdom is, or is expected to become, a party.

The modifications are—

- (a) a reference in this section or that Schedule to implementing or applying a relevant international agreement is to be read as a reference to giving effect to the model law (with or without modifications);
- (b) subsection (1) is to be read as if the words “as revised from time to time” were substituted for the words “as it has effect from time to time”.

General

3 Crown application

- (1) The amendments of the Civil Jurisdiction and Judgments Act 1982 made by this Act bind the Crown in accordance with the provisions of section 51 of that Act.
- (2) Regulations under section 2 may make provision binding the Crown.
- (3) The reference to the Crown in subsection (2) does not include—
 - (a) Her Majesty in Her private capacity,
 - (b) Her Majesty in right of the Duchy of Lancaster, or
 - (c) the Duke of Cornwall.

4 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Her Majesty may by Order in Council provide for section 2 (including Schedule 6) and section 3(2) and (3) to extend, with or without modifications, to the Isle of Man.
- (3) Sections 1 and 3(1) and Schedules 1 to 5 come into force on IP completion day.
- (4) The rest of this Act comes into force on the day on which it is passed.
- (5) This Act may be cited as the Private International Law (Implementation of Agreements) Act 2020.

Changes to legislation:

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