
EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council makes legislative changes needed in consequence of the coming into force on 1st March 2002 of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Regulation”).

The Regulation applies to all Member States except Denmark and to that extent replaces the 1968 Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, to which the United Kingdom became party by an Accession Convention signed in 1978. The Conventions were given the force of law in the United Kingdom by the Civil Jurisdiction and Judgments Act 1982 (“the Act”). The Act was later amended by the Civil Jurisdiction and Judgments Act 1991 to give the force of law also to the 1988 Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, which made similar arrangements with a number of non-Member States.

The Brussels Convention, in so far as it governs relationships with Denmark, and the Lugano Convention, remain in place. The main purpose of this Order is to amend the Act so as to preserve the current position in respect of the Brussels Convention, so far as it relates to Denmark, and the Lugano Convention, and to make new but analogous provision in respect of the Regulation. In particular, the Order—

- a)** contains various provisions applicable for the purposes of the Regulation; these are, with appropriate modifications, modelled on the equivalent provisions of the Act (Schedule 1);
- b)** amends certain provisions of the Act to apply for the purposes of the Regulation in the same way that they apply for the purposes of the Brussels and Lugano Conventions (Schedule 2);
- c)** amends the Act to clarify the relationship between the Regulation, the Brussels Convention and the Lugano Convention (Schedule 2, paragraph 1(c));
- d)** amends Schedule 4 to the Act, which contains provisions for the allocation of intra-UK jurisdiction which previously were modelled on the Brussels Convention, broadly so as to bring those provisions into line with the equivalent provisions of the Regulation; an exception is jurisdiction in contractual matters, which continues to be aligned on article 5(1) of the Convention rather than article 5(1) of the Regulation (Schedule 2, paragraphs 3 and 4);
- e)** makes similar amendments to Schedule 8 to the Act, which contains provisions on jurisdiction in Scotland (Schedule 2, paragraphs 6 and 7);
- f)** amends section 48 of the Act to allow for the making of appropriate amendments to rules of court; this provision is commenced early, on 25th January 2002, so that any such amendments to rules of court which rely on section 48 can be made in time to come into force on 1st March 2002 (Schedule 2, paragraph 17); and
- g)** makes various consequential amendments (Schedule 3).

Changes to legislation:

The Civil Jurisdiction and Judgments Order 2001 is up to date with all changes known to be in force on or before 17 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 3 para. 24 revoked by [2009 c. 24 Sch. 7 Pt. 1](#)